United Nations A/56/699–S/2001/1186

General Assembly
Security Council

Distr.: General
12 December 2001

Original: English

General Assembly
Fifty-sixth session
Agenda item 62
Question of Cyprus

Security Council
Fifty-sixth year

Letter dated 11 December 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

With reference to the letter dated 5 November 2001 of Mr. Jeremy Greenstock, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland (A/56/612-S/2001/1059), as well as to my letter of 5 October 2001 (A/56/451-S/2001/953), I wish to bring to your kind attention the following:

First, let me reiterate that the Greek Cypriot Administration's application to join the European Union (EU) is a breach of the relevant provision of the 1960 Treaty of Guarantee which stipulates that Cyprus cannot participate, "in whole or in part, in any political or economic union with any State whatsoever". Such application constitutes a breach of the Treaty of Guarantee, as well as the legal and political state of affairs established by the 1960 Agreements and the international commitments contained therein.

In Cyprus, there are two distinct sovereign national peoples with their respective States and, since 1963, there is no legitimate authority that represents both parties, which were the co-founders of the 1960 partnership Republic. Therefore, the application for membership in the European Union, which has been made unilaterally by the Greek Cypriot administration on behalf of the whole island, is legally null and void.

Having carefully considered the above-mentioned letter of Mr. Greenstock, the Government of Turkey, as a party to the 1960 Cyprus Treaty of Guarantee, finds it impossible to accept the refusal of the United Kingdom to acknowledge the effects of the clear words of the Treaty in relation to the obligations of Cyprus.

The United Kingdom has chosen to dismiss in one paragraph the carefully researched written Opinion of one of the United Kingdom's most distinguished international lawyers, Professor Maurice Mendelson, who has dealt point by point with the arguments to the contrary advanced in a legal Opinion obtained earlier by the Greek Cypriot Administration, one of which is repeated in the United Kingdom's letter.

01-69419 (E) 131201

By virtue of article 1 of the Treaty, the obligation of Cyprus is "not to participate, in whole or in part, in any political or economic union with any State whatsoever". It is asserted by the United Kingdom that EU membership does not constitute "union with another State". It is true that the European Union is not a State per se, but when an applicant joins EU it does not enter into a union with EU itself, but with each of the member States which constitute the European Union.

Clearly, if Cyprus were to join the European Union she would be participating in both a political and an economic union not only with one State, but with each of the 15 member States. It may be argued that the purpose of article 1 was solely to prevent union with Greece or Turkey, but the article is not drawn as narrowly as that, and in fact refers to any State whatsoever. Even if it were, Greece is one of those 15 States of the European Union.

It may also be argued that since members of the European Union retain their sovereignty, membership of EU does not constitute participation in a union within the meaning of the 1960 Treaty. This is not however sustainable, because the Treaty prohibits union "in whole or in part". The Treaty also prohibits political or economic union, and cannot therefore be taken to apply only to total political unions.

By article 2 of the Treaty, the United Kingdom and Greece bound themselves "to prohibit, so far as concerns them, any activity aimed at promoting, directly or indirectly ... union of the Republic of Cyprus with any other State ...".

The international legal obligations which flow from articles 1 and 2 of the Treaty can be waived only with the consent of all parties to the Treaty, including Turkey. The Government of Turkey is of the view that any pretext aimed at disregarding the restrictions imposed by the Treaty cannot deprive it of its legal force.

Moreover, and quite apart from the provisions of this Treaty, Cyprus is the home of the Turkish Cypriots as well as the Greek Cypriots, and it would be wrong for one of the two peoples to be allowed to take the island into the European Union without the consent of the other. Holding out to the Greek Cypriots the prospect of membership without an internal settlement has made it almost impossible for the two peoples of Cyprus to reach a settlement.

Finally, until a mutually acceptable political solution is freely reached between the two parties in Cyprus, neither side may undertake any action which would have international legal and political consequences for the whole of the island. Therefore, in this context, the membership in the European Union should be taken up within the terms of a political settlement and the balance established between Turkey and Greece with regard to Cyprus by the 1960 Treaties has to be maintained in every respect.

I should be grateful if the text of the present letter would be circulated as a document of the General Assembly, under agenda item 62, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

United Nations A/56/700–S/2001/1187

General Assembly
Security Council

Distr.: General
12 December 2001

Original: English

General Assembly
Fifty-sixth session
Agenda items 62, 87 and 89

Question of Cyprus

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Comprehensive review of the whole question of peacekeeping operations in all their aspects

Security Council
Fifty-sixth year

Letter dated 11 December 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 11 December 2001, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda items 62, 87 and 89, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

01-69451 (E) 181201

Annex to the letter dated 11 December 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

11 December 2001

I have the honour to refer to the statements made by the representative of the Greek Cypriot administration at the meetings of the Special Political and Decolonization Committee (Fourth Committee), held on 1 November 2001, under agenda item 87 (United Nations Relief and Works Agency for Palestine Refugees in the Near East), and on 21 November 2001, under agenda item 89 (Comprehensive review of the whole question of peacekeeping operations in all their aspects), which distort historical facts on the Cyprus issue. I will briefly respond to these allegations and put the record straight.

The Greek Cypriot representative referred to the legitimate Turkish intervention in Cyprus in 1974 as an "invasion". It should be emphasized that Turkey intervened in Cyprus, in accordance with her rights and obligations under the 1960 Treaty of Guarantee, after the Greek-Greek Cypriot coup d'état in July 1974 which aimed at annexing the island to Greece. The Turkish Cypriots were subjected to an imminent danger of total annihilation at the hands of the Greek Cypriots and the invading Greek troops.

In this context, the Greek Cypriot representative talked about the "experience of displacement" undergone by the Greek Cypriot side as a result of the Turkish intervention in 1974. The truth is that the issue of displaced persons in Cyprus began in 1963 when one fourth of the Turkish Cypriot population was rendered homeless as a result of the Greek Cypriot armed aggression. Furthermore, in 1974, populations from both sides were displaced in consequence of the Greek coup d'état and the events which followed it. Around 65,000 Turkish Cypriots moved to the North to seek refuge in safer areas.

The question of displaced persons was eventually settled through the Voluntary Exchange of Populations Agreement reached between the two sides at the third round of talks held in Vienna between 31 July and 2 August 1975. The agreement was implemented under the supervision of the United Nations Peacekeeping Force in Cyprus (UNFICYP).

The Greek Cypriot delegate at the Fourth Committee alleged that "the 1974 invasion by Turkey and the forcible division of the island with the creation of a buffer-zone had forced UNFICYP to adjust its mandate". It should be recalled that UNFICYP was established under Security Council resolution 186 (1964) and dispatched to the island in order to prevent the massacre of defenceless Turkish Cypriots by heavily armed Greek Cypriot elements. It should also be recalled that the separation of the two peoples took place in 1963 as a result of the armed aggression by Greek Cypriots and not by the intervention of Turkey in 1974. The creation of the "green line" in Nicosia in December 1963 was necessitated in the face of attacks against defenceless Turkish Cypriots. Similarly, Turkish Cypriots living in the rural areas were forced to flee their villages and seek refuge in enclaves throughout the island. The arrival of UNFICYP in 1964 did not deter Greek Cypriots from carrying out their pre-planned genocide campaign. The carnage did not stop. The Greek Cypriot administration, using its usurped title of the "government of

Cyprus", prevented UNFICYP from carrying out its functions between 1963 and 1974. Peace and stability were brought to the island only after the intervention by Turkey in 1974. Today, the Turkish Cypriot military presence in Northern Cyprus is a deterrent against possible Greek Cypriot aggression.

The Greek Cypriot representative also referred to the situation in the village of Akyar in the Turkish Republic of Northern Cyprus as a "clear violation of the status quo". I would like to recall that the establishment of a checkpoint at Akyar is a step taken within our own territory in the context of the measures vis-à-vis our relations with UNFICYP after the adoption of resolution 1303 (2000) by the Security Council. The area in question is adjacent to the British Sovereign Base Area and there is no buffer zone in the area. The checkpoint in question is within the TRNC territory. Therefore, there is no question of a change in the status quo.

The process of "healing" in Cyprus, which the Greek Cypriot delegate also referred to, can only begin to take shape if the Greek Cypriot side agrees to a settlement on the basis of two states which will ensure that the title of a future partnership can no longer be usurped by the Greek Cypriot side. A settlement on this basis will respect the sovereign and equal rights of both peoples as well as their security interests. As underlined by President Rauf R. Denktaş in his opening statement at the meeting with the Greek Cypriot leader Mr. Glafcos Clerides on 4 December 2001, the basic requirement in shaping our future is realism which must be solidified with an atmosphere of mutual respect, reconciliation and a working relationship between the two parties. We hope that the international community will urge the Greek Cypriot side to respect the inalienable rights of the Turkish Cypriot people so that a settlement and stability in the island can be attained.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda items 62, 87 and 89, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

United Nations S/2001/1188

Security Council

Distr.: General
12 December 2001

Original: English

Letter dated 12 December 2001 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

I would like to request that the letter of H.E. Sheikh Sabah Al Ahmad Al Jaber Al Sabah, Acting Prime Minister and Minister of Foreign Affairs of the State of Kuwait, dated 11 December 2001, be circulated as a document of the Security Council.

In addition, please find enclosed herewith the letter.

(*Signed*) Mohammad A. **Abulhasan**
Ambassador
Permanent Representative

01-69371 (E) 131201 131201

Annex to the letter dated 12 December 2001 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

[Original: Arabic]

Two years have now elapsed since, pursuant to paragraph 14 of Security Council resolution 1284 (1999), you began to submit periodic reports to the members of the Council on developments in connection with the issue of the Kuwaitis and third-country nationals being held in Iraq, reports that reflect the outstanding efforts being made by the high-level Coordinator, Ambassador Yuli M. Vorontsov, in this regard.

On the basis of these reports, the Council has issued five press statements urging Iraq to cooperate with all the mechanisms available to it to resolve this issue, especially the International Committee of the Red Cross (ICRC), the Tripartite Commission and the high-level Coordinator. The Government of Iraq has yet to respond to the appeals made in your reports and in the statements of the Council urging it to cooperate with a view to resolving the issue. Moreover, the Iraqi Government is seeking to separate the issue from the relevant Security Council resolutions in whatever way possible and to dictate its own conception of it to the international community.

Kuwait believes that a solution to the issue of the Kuwaitis and third-country nationals detained in Iraq cannot further be delayed. Kuwait also believes that the Iraqi Government does not need any new mechanism or proposal in order to close this humanitarian issue and that, while Iraq advances proposals for the establishment of committees and so forth outside the framework of the United Nations to resolve the issue of the Kuwaitis and third-country nationals detained in Iraq, it is fitting that we should remind one and all that the appropriate mechanisms to resolve the issue already exist and that Iraq can resort to them at any time for this purpose. They are:

1. The Tripartite Commission and its Technical Subcommittee;
2. ICRC;
3. The Secretary-General of the United Nations and the dialogue that commenced in February 2001;
4. The high-level Coordinator.

Accordingly, I suggest that, in coordination with ICRC and Ambassador Vorontsov, you should endeavour to devise a means to ensure Iraq's serious and active cooperation with a view to resolving the issue of the prisoners and missing persons in a definitive manner and that the resolution of the issue should remain within the framework of the United Nations and the relevant Security Council resolutions.

Although Kuwait is not responsible for the issue of the missing Iraqis alleged by the Iraqi Government, for our part and as another example of our sincere cooperation in ending this matter, I repeat what we stated to the high-level Coordinator, as reflected in paragraph 21 of your report contained in document S/2000/347, namely that we are ready to permit ICRC to conduct a free and thorough search in Kuwaiti territory for the missing Iraqis whose presence is alleged

by the Iraqi Government, on the understanding that we obtain in return a clear undertaking from the Iraqi Government that it will provide Kuwait with full and precise information on the fate of the Kuwaitis and third-country nationals detained in Iraq, whether living or dead, so that we may once and for all bring down the curtain on this issue and end the suffering presently being endured by the Kuwaiti people.

In closing, we in Kuwait reaffirm our full commitment to supporting all the efforts that you are making as well as our readiness to cooperate as required with the efforts of the high-level Coordinator. I further hope that the members of the Security Council will take account of Kuwait's concerns, as described in this letter, when they discuss your forthcoming report on 17 December 2001.

(*Signed*) Sabah Al-Ahmad Al-Jaber **Al-Sabah**
Deputy Prime Minister
Minister for Foreign Affairs

United Nations S/2001/1189

Security Council

Distr.: General
13 December 2001
English
Original: French

Letter dated 11 December 2001 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement on the Middle East issued on 10 December 2001 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jean **de Ruyt**
Permanent Representative of Belgium to the United Nations

01-69469 (E) 131201 131201

Annex to the letter dated 11 December 2001 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the Middle East issued on 10 December 2001 by the Presidency of the European Union on behalf of the European Union

At a time when the situation in the Middle East is extremely serious, we cannot be inactive.

We are convinced that only determined and concerted action by the European Union, the United Nations, the United States and the Russian Federation can help the parties to break the cycle of violence and commit themselves once again to the search for peace. This requires:

- the reaffirmation and full recognition of Israel's irrevocable right to live in peace and security within internationally recognized borders;
- the establishment of a viable and democratic Palestinian State and an end to the occupation of Palestinian territories.

As a first step, the following pledges must be given:

- by the Palestinian Authority: the dismantling of Hamas's and Islamic Jihad's terrorist networks, including the arrest and prosecution of all suspects; a public appeal in Arabic for an end to the armed intifada;
- by the Government of Israel: the withdrawal of its military forces and a stop to extrajudicial executions; the lifting of closures and of all restrictions imposed on the Palestinian people; a freeze on settlements.

On the basis of this European Union position and in the light of the discussions which we have had today in Brussels with Shimon Peres and Nabil Chaath, we have asked Javier Solana, Secretary-General/High Representative for the Common Foreign and Security Policy, to go to the region and report back to the European Council at Laeken.

The aim is to contribute, in concertation with the United Nations, the United States and the Russian Federation Common Foreign and Security Policy, to a speedy resumption of negotiations, without preliminaries.

United Nations S/2001/1190

Security Council

Distr.: General
14 December 2001

Original: English

Draft resolution

The Security Council,

Welcoming the report of the Secretary-General of 30 November 2001 (S/2001/1122*) on the United Nations operation in Cyprus, and in particular the call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus (UNFICYP) beyond 15 December 2001,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Reaffirms* all its relevant resolutions on Cyprus, and in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

2. *Decides* to extend the mandate of UNFICYP for a further period ending on 15 June 2002;

3. *Requests* the Secretary-General to submit a report by 1 June 2002 on the implementation of this resolution;

4. *Urges* the Turkish Cypriot side and Turkish forces to rescind the restrictions imposed on 30 June 2000 on the operations of UNFICYP and to restore the military status quo ante at Strovilia;

5. *Decides* to remain actively seized of the matter.

01-69801 (E) 141201

United Nations S/2001/1191

Security Council

Distr.: General
13 December 2001
English
Original: Arabic

Letter dated 13 December 2001 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council

In my capacity as Chairman of the Arab Group for the month of December 2001 and on behalf of the States members of the League of Arab States, I request the convening of an immediate meeting of the Security Council to consider the extremely dangerous situation in the occupied Palestinian territory and take the necessary action in that regard.

(*Signed*) Ahmed **Aboul Gheit**
Ambassador
Permanent Representative

01-69645 (E) 141201 141201

United Nations

A/56/703–S/2001/1192

General Assembly
Security Council

Distr.: General
13 December 2001

Original: English

General Assembly
Fifty-sixth session
Agenda items 41, 42 and 166

Security Council
Fifty-sixth year

Question of Palestine

The situation in the Middle East

Measures to eliminate international terrorism

Letter dated 12 December 2001 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the following documents of the tenth extraordinary session of Foreign Ministers of the Organization of the Islamic Conference, held at Doha on 10 December 2001:

1. Text of the statement of His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, Chairman of the Ninth Islamic Summit Conference, at the opening of the session (annex I);

2. Text of the final communiqué (annex II).

I should be grateful if you would have the text of the present letter and its annexes circulated as a document of the General Assembly, under agenda items 41, 42 and 166, and of the Security Council.

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Ambassador
Permanent Representative

01-70307 (E) 020102

Annexes to the letter dated 12 December 2001 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

Annex I

[Original: Arabic]

Statement by His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, at the opening of the Tenth Extraordinary Session of the Islamic Conference of Foreign Ministers

Doha, 25 Ramadan 1422, corresponding to 10 December 2001

In the name of God, the Merciful, the Compassionate

Praise be to God, and may He bless the Prophet, his family and his followers and grant them salvation.

Your Highnesses and Excellencies,
Mr. Secretary-General,
Dear Brothers,

I welcome you to Doha and I pray to Almighty God to inspire us with the wisdom and sound judgement that will enable this meeting, which is set against grave and tragic conditions for the Palestinians, to adopt tangible decisions that may help them regain their inalienable national rights.

We wish indeed that His Excellency President Yasser Arafat could have joined us in this meeting to give us a clear picture of the grave developments in the occupied Palestinian territories and the constant Israeli aggression against the Palestinian people. However, he is unable to attend because of circumstances well known to us all, stemming from Israel's relentless measures and practices. Yet despite this, he is present with us in his thoughts and his enlightened participation, which impart to his people's unremitting struggle perseverance and steadfastness.

In fact, as I was contemplating the points of this speech, I went over the evolution of the peace process during the last year or more and it became perfectly clear to me that from the outset the fate, the outstanding character and indeed the distinction of the Ninth Islamic Summit resided in the fact that it coincided with the Al-Aqsa intifadah. It is as if something was telling the leaders and peoples of the Muslim world: never forget, not even for an instant, that your overriding cause relates to the Al-Aqsa Mosque in Palestine and the State of Palestine.

Thus we all agree that this meeting must not be a forum for making speeches. It is our duty to make it a genuine test of our collective will and our historic responsibility regarding the Palestinian issue, in word and in deed alike.

The situation, as we know, is dangerous for the Palestinians and extremely dangerous for the world, especially the Arab and Islamic world. Indeed, what is left after all that has been done by the occupying forces: committing mass killings, imposing blockades and isolation, starving the population, bulldozing crops, destroying the infrastructure, violating what is most sacred, denying access to the Al-Aqsa Mosque for prayer and levelling open and undisguised threats against the symbols of Palestinian authority?

Dear Brothers,

There is no question that we are at a crossroads, and by "we" I do not mean Arabs and Muslims only, but the international community as a whole. Either we strengthen our determination and our trust in international legitimacy, something that is no longer easy to achieve or to accept in the context of the flagrant violations of justice and right that we witness daily and the highly suspect absence and reluctance of the mechanisms of that legitimacy; or, God forbid, we face the turn in the road that looms on the horizon, which means shirking all those international commitments and covenants and unleashing a spiral of violence and bloodshed. All will then suffer the consequences and bear the responsibility for the dangers inherent in that situation, which will not only blow away Palestinians and Israelis alike, but may well set ablaze the extremely sensitive Middle East region.

It is therefore both reasonable and wise to opt for the first path, for though difficult, it is the safer and more secure. It depends on two basic conditions:

The first condition, which I consider essential, beneficial and easy to realize, is that those who are on intimate terms with Israel and at the same time have vital interests in the Middle East should shoulder their responsibilities.

They must become convinced that the Palestinian people must inevitably obtain all their internationally recognized rights. They must also become convinced that resisting an occupying force is legitimate self-defence.

More than at any time in the past, it is essential today that the international community play the desired role in putting an end to the Israeli occupation of Arab territories and arriving at a comprehensive, lasting settlement of the dispute in the Middle East based on the implementation of the relevant United Nations resolutions. This implies enabling the Palestinian people to exercise its right of self-determination and establishing an independent State of Palestine with Al-Quds Al-Sharif as its capital. This, in my estimation, is the safety valve for peace and stability and for defusing tension in the region. It means forcing Israel to comply with international law; inducing it to desist from its aggressive policies; ending its occupation of Arab lands; dismantling Israeli settlements; recognizing the right of refugees to return to their homes; putting an end to attempts to judaize East Jerusalem and change its architectural, cultural and demographic features, as required by international instruments, in particular the fourth Geneva Convention (1949); ending its occupation of the Syrian Golan; and completing the full and genuine withdrawal of its forces from Lebanese territory in accordance with the United Nations resolutions, especially Security Council resolutions 242, 328 and 425.

The second condition, my Brothers, relates to our role as leaders and peoples in dealing with this complex situation.

Our meeting today has a historic responsibility to start its work from where our previous efforts to support legitimate Palestinian rights left off, adopting a firm and resolute stand on the provision of international protection for the Palestinian people; establishing, in cooperation with the international community, specific mechanisms to halt the continuous Israeli attacks; ensuring that a definitive solution is reached in the occupied territories by committing Israel to serious measures; and reaffirming that peace can be achieved only through the implementation of the relevant accords, the return of lands and respect for legitimate rights.

In this context, I propose to you that a committee be set up at the ministerial level to undertake the task of following up this pressing issue on an urgent basis. The committee would seek to find an Islamic mechanism for action to stop the deterioration of the situation, revive the peace process and resume negotiations on the basis of international legitimacy and the related binding resolutions, in cooperation with the United Nations and all international peace-loving forces that eagerly desire security and stability in the region.

Dear Brothers,

In our belief that peace is an irrevocable strategic choice, we have fully cooperated with all international efforts, including the Mitchell committee recommendations and the Tenet understandings, which we accepted as a comprehensive package. We also expressed our satisfaction with the position declared by President George Bush, who spoke of the establishment of an independent Palestinian State within the framework of a definitive, just and comprehensive resolution of the conflict. We further welcomed the ideas and principles expressed by Secretary of State Colin Powell, who stressed the need to end Israeli occupation of Arab territories and at the same time announced the intention of the United States Administration to start making effective moves to stop the deterioration and revive the peace process.

We must restore the optimism that prevailed after the announcement of those positive American positions, an optimism which, most regrettably, was promptly dissipated by the grave developments that took place in the Palestinian territories. We therefore call upon the United States of America and the international community to take action to put an immediate end to an Israeli policy that can only destroy the last available opportunity to bring peace to our region.

Your Highnesses and Excellencies,
Dear Brothers,

The task before us is momentous, but it can be realized. We must shoulder this responsibility with all the determination, potential and patience we have. Restoring the inalienable rights of the Palestinian people is our foremost priority. We are confident that our Islamic Ummah is capable of achieving this.

May God grant all of us success in fulfilling our aspirations and bringing about a better future for our peoples and our Ummah. God is with us in our intention and will lead us along the right path.

May peace and the mercy and blessings of God be upon you.

Annex II

[Original: Arabic and English]

Final communiqué of the Tenth Extraordinary Session of the Islamic Conference of Foreign Ministers on the Grave Situation in the Palestinian Territories

Doha — State of Qatar, 25 Ramadan 1422H (10 December 2001)

At the kind invitation of His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar and Chairman of the Ninth Islamic Summit Conference, the Tenth Extraordinary Session of the Islamic Conference of Foreign Ministers was held on 25 Ramadan 1422H (10 December 2001) in Doha, State of Qatar, to consider the grave situation prevailing in Palestine as a result of persistent and escalating Israeli aggression against the Palestinian people.

The Conference expressed its utmost appreciation to His Highness Sheikh Hamad bin Khalifa Al-Thani and the Government and people of the State of Qatar for their gracious invitation and the opportunity it provided for a thorough and in-depth examination of the grave situation currently prevailing in Palestine.

The Conference listened to the important speech delivered by His Highness Sheikh Hamad bin Khalifa Al-Thani, as well as the speech delivered on behalf of President Yasser Arafat. It took cognizance of the Secretary General's report on the serious developments prevailing in Palestine. The Conference unanimously decided to consider the speech of His Highness as an official document of the Conference.

The Conference elected its Bureau as follows:

– State of Qatar	Chairman
– Islamic Republic of Pakistan]	
– Republic of Senegal]	Vice-Chairmen
– State of Palestine]	
– Republic of Mali	Rapporteur

After exhaustive discussions and deliberations between Their Excellencies the Ministers and the heads of delegations, the Extraordinary Session of the Conference of Foreign Ministers of the OIC Member States on the grave situation prevailing in Palestine and the entire region, reached the following decisions:

- The Conference reiterates its commitment to all the previous resolutions adopted by the Islamic conferences and meetings relevant to the question of Palestine and Al-Quds Al-Sharif and the Arab-Israeli conflict.

- The Conference commends and takes pride in the Palestinian people's steadfastness and heroic Intifadah against the aggression of the Israeli occupation forces in order to achieve its legitimate rights. It affirms its continued political, material and moral support and assistance to counter the occupation, and reaffirms that the Israeli occupation is indeed the prime cause behind the deterioration and gravity of the situation in the region.

- The Conference condemns the Israeli occupation and bombardment of cities, villages, camps and centres of the Palestinian National Authority, and Israel's use of F-16 Fighter Planes and U.S. made Apache helicopter gun ships. The Conference holds Israel fully responsible for its aggression and consequences, considering it a blatant violation of the Palestinian human rights and a clear transgression of all covenants, conventions and International Law, particularly the Fourth Geneva Convention of 1949. Furthermore, the Conference strongly condemns Israel's use of force in all forms, and warns it against the consequences of blackmailing and persistence in these danger-laden policies against the Palestinian people, their national institutions and legitimate elected leadership. It warns against Israel's aborted and rejected attempts to sabotage Palestinian national unity and considers that the totality of the dangerous Israeli policies aims at disrupting security and stability in the entire region. The Conference calls on all the Palestinian people to rally around its National Authority under the leadership of President Yasser Arafat.

- The Conference requests the UN Security Council, in its capacity as the international body chiefly responsible for the maintenance and

restoration of international security and peace, to shoulder its responsibilities in ensuring an immediate end to the Israeli aggression. It invites the Security Council to expeditiously dispatch international observers to ensure the necessary international protection for the Palestinian people and to oversee the institution and maintenance of security in conformity with the international resolutions, agreements and recommendations already agreed in the framework of the Peace-Process.

- The Conference calls on the United States of America to actuate the positive elements contained in its vision on solving the Palestinian question and the Arab-Israeli conflict, which rests on the UN Security Council resolutions 232 and 348 that provide for ending the Israeli occupation and halting the settlements in the occupied Palestinian and Arab territories, and the establishment of independent Palestinian State with Al-Quds Al-Sharif as its capital. It also calls on the U.S. Administration to actually implement the provisions of the aforementioned vision in accordance with specific mechanism and timetable whereby deeds would be fully synchronized with words.

- The Conference calls upon the international community, the United Nations and particularly the United States of America, the Russian Federation and the European Union, to intervene immediately to put an end to the Israeli aggression and prevent the Israeli Government from persisting with its aggressive designs aimed at undermining the Palestinian National Authority, spreading chaos and disorder and reoccupying the already liberated Palestinian territories in order to abort the agreements and sabotage the very foundations of the peace process.

- The Conference rejects establishing any link between terrorism and the right of the Palestinian, Lebanese and Syrian peoples, to resist Israeli aggression and occupation, considered as a legitimate right ensured by international laws and conventions. It condemns the contention that the Israeli aggression is in self-defence and rejects the policies of unlimited support extended to Israel. The Conference condemns State terrorism practised by Israel in the occupied Palestinian and Arab territories.

- The Conference reiterates that the current policies of the Israeli Government threaten and jeopardize the Middle East peace process.

- The Conference recommends to the Governments of the OIC member States and the Islamic organizations, institutions and peoples to extend multifaceted assistance to the Palestinian National Authority in such a way as to enable it to fulfil its urgent obligations.

- The Conference requests the Chairman of the Summit to constitute a ministerial level Committee composed of: State of Qatar as Chairman, and Republic of Mali, Malaysia, Syrian Arab Republic, Kingdom of Morocco, Sultanate of Oman and the Republic of Senegal as well as the OIC Secretary General as members, with a view to carry out urgent contacts with the Permanent Member States of the UN Security Council, the Secretary-General of the United Nations, the Presidency of the European Union and the Vatican. The objectives of this Committee will be to explain the plight and suffering of the Palestinian people and the impact of the Israeli aggression on the situation in the region. The Committee would set up an Islamic working mechanism aimed at projecting the unity of the Islamic position and determination to mobilize every possible support and assistance to this just cause in accordance with the following basis:

  1. Establishing the independent Palestinian State with Al-Quds Al-Sharif as its capital.

  2. Rejecting the judaization of Al-Quds Al-Sharif.

  3. Reaffirming the Palestinian refugees' right to repatriation in accordance with UN General Assembly resolution 194 (III) of 11 December 1948.

  4. Putting an immediate end to the Israeli aggression and the halt of the schemes that seek to undermine the Palestinian Authority, and the non-imposition of any restrictions on the movements of the officials and individuals of the Palestinian National Authority or harassing them, and to consider any such pursuits as terrorism, the

consequences and reactions of which Israel shall be held solely responsible.

5. Lifting the blockade and the closure imposed on the Palestinian people, as well as an immediate withdrawal of the Israeli forces from the areas under the Palestinian Authority which Israel had reoccupied, and also the withdrawal from all the occupied Arab territories to the 4th of June 1967 line, including Al-Quds Al-Sharif, the Golan, as well as the withdrawal from the remaining parts of Southern Lebanon.

6. Putting an end to the crimes of political and other assassinations, collective sanctions and the oppressive practices and measures against the Palestinian people, and to consider them as a blatant violation of the principles of international law.

7. Halting and removing the Israeli settlements which are considered as a violation of the rights of the Palestinian people to their land and a violation of the resolutions of the international legitimacy which view these settlements as illegal with no validity or obligations whatsoever in accordance with UN Security Council resolution 465 (1980).

8. Lifting immediately the sieges and blockades imposed on all Palestinian areas, including the city of Al-Quds.

9. Releasing the Palestinian and Arab detainees from the Israeli prisons.

10. Dispatching international observers to protect the Palestinian people against the Israeli brutal aggression and to supervise the implementation of any agreement reached.

11. Releasing the funds owned by the Palestinian people and its National Authority which have been impounded by the Israeli occupation authorities and immediately removing all restrictions imposed on the movement of Palestinian individuals and goods.

12. Requesting the international community to seek the resumption of the peace process in accordance with the foundations on which they were based and at the point where they had stopped, and establishing a specific mechanism and timetable for the implementation of the reports, the agreements and the understandings reached by the Palestinian and the Israeli sides.

13. Rejecting the lists that characterize some Islamic countries, the Palestinian and Lebanese resistance movements as terrorists. The Conference considers that such lists have no legal effect and obstructs the efforts exerted to combat international terrorism.

United Nations S/2001/1193

Security Council

Distr.: General
18 December 2001

Original: English

Letter dated 17 December 2001 from the Permanent Representative of New Zealand to the United Nations addressed to the President of the Security Council

In accordance with Article 51 of the Charter of the United Nations, I am writing on behalf of my Government to report that New Zealand has joined other States in the exercise of its inherent right of individual and collective self-defence following the terrorist attacks in the United States of America on 11 September 2001.

New Zealand has strongly condemned those responsible for the armed attacks, which caused massive loss of life and destruction. New Zealand therefore fully supports the measures taken by the international community to combat international terrorism and recognizes the critical role of the United Nations in coordinating such efforts. New Zealand fully supports in particular Security Council resolutions 1368 (2001) and 1373 (2001), which reaffirm the inherent right of individual and collective self-defence and call upon all States to work together to bring to justice the perpetrators, organizers and sponsors of the terrorist attacks.

On 21 September the Prime Minister of New Zealand, Rt. Hon. Helen Clark, announced New Zealand's willingness to make a military contribution in response to the calls by the United States of America and the Security Council for effective action to combat terrorism. That offer was supported by the New Zealand Parliament on 3 October. New Zealand's military contribution has been employed in support of military operations directed against Osama bin Laden and the Qaeda terrorist organization, and the Taliban which supported and harboured them. New Zealand's involvement is in no way directed at civilian populations or against Islam.

I should be grateful if you would draw the attention of the members of the Security Council to the present letter and would have it distributed as a document of the Security Council.

(*Signed*) Don **MacKay**
Permanent Representative

01-70191 (E) 181201

United Nations S/2001/1194

Security Council

Distr.: General
13 December 2001

Original: English

Progress report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1369 (2001) of 14 September 2001, which extended the mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE) until 15 March 2002. It provides an update on political, military, humanitarian and human rights developments, as well as on the deployment and activities of UNMEE since my report of 5 September 2001 (S/2001/843).

II. Status of the Temporary Security Zone and adjacent areas

2. During the reporting period, the situation in the Temporary Security Zone has remained generally calm. Eritrea disputes the southern boundary of the Zone and it therefore considers that the Temporary Security Zone is "not fully established". However, both parties have generally respected the Zone. There have been isolated instances of small units or patrols belonging to both parties crossing into the Zone, but these have not had a negative impact on its overall integrity. Despite the above, Eritrea's continued refusal to recognize the southern boundary of the Zone remains a source of concern.

3. During the period under review, UNMEE experienced increased restrictions on its freedom of movement in the adjacent area north of the Temporary Security Zone, further hindering the ability of the Mission to monitor the Eritrean Defence Forces in their redeployment positions. The Mission has, however, intensified and refined its monitoring activities in order to overcome these restrictions.

4. Compounding these problems, a series of allegations in the second half of November have contributed to an unfortunate escalation in tensions. On 14 November, Prime Minister Meles Zenawi of Ethiopia, in identical letters addressed to the President of the Security Council and to me, alleged that Eritrea was accelerating the "further militarization of the Temporary Security Zone" and referred to a "troop build-up by Eritrea along the border", claiming that "UNMEE might have adopted a policy of appeasement to secure Eritrea's compliance", and accusing the Mission of not demonstrating the required vigilance. At the same time, the Prime Minister stated that Ethiopia was reserving its "right of self-defence" in the face of what it perceived as a growing threat. Those allegations were repeated in statements made before the General Assembly, on 15 November, and the Security Council, on 16 November.

5. Reacting to the Ethiopian allegations, President Isaias Afwerki of Eritrea wrote a letter to me dated 20 November, asserting that Ethiopia's allegations were "groundless" and that its motive was to "derail or influence the delimitation process through bluffs and intimidation". Ethiopia also released a press statement on 26 November that reiterated the allegations of an Eritrean military build-up; claimed that UNMEE did not have the capacity to effectively monitor the situation in the Temporary Security Zone as a result of Eritrean restrictions on the Mission's movement; and suggested that UNMEE was understating the potential dangers created by Eritrean non-compliance with the Agreement on Cessation of Hostilities (S/2000/601).

01-68788 (E) 131201

6. Immediately following the original allegations of 14 November, my Special Representative, Mr. Legwaila Joseph Legwaila, ordered an investigation along the entire northern boundary of the Temporary Security Zone, which proved these allegations to be unfounded. UNMEE will continue to take all allegations presented to it very seriously and to carry out immediate and thorough investigations, as well as intensified monitoring.

7. Prime Minister Meles Zenawi of Ethiopia wrote to me again on 30 November to express concern over Eritrea's non-implementation of key provisions of the Agreement on the Cessation of Hostilities in five major areas. The letter stressed Eritrea's continued violation of the Temporary Security Zone, asserting that Eritrean regular troops were present "under the guise of police and militia." The letter referred to Eritrea's refusal to grant UNMEE freedom of movement in the adjacent area north of the Zone in violation of article 13 of the Agreement. The letter also pointed to Eritrea's refusal to provide UNMEE with the size, strength, and disposition of its police and militia inside the Zone. Finally, the letter highlighted Eritrea's failure to sign the status-of-forces agreement and its unwillingness to agree to direct high-altitude flights by UNMEE between Addis Ababa and Asmara.

Militia and police in the Temporary Security Zone

8. As indicated in my last report to the Council, despite repeated requests, Eritrea has not provided UNMEE with the necessary information (strength, disposition, and structure before the outbreak of the conflict and currently) on its militia and police deployed inside the Temporary Security Zone. Eritrea has offered to provide overall numbers of militia and police against a guarantee of confidentiality. Given Ethiopia's legitimate interest in the demilitarization of the Zone, as well as the UNMEE policy of transparency, the Mission cannot provide such a guarantee. UNMEE estimates that there are 6,400 Eritrean militia and 3,000 police currently deployed inside the Zone. These figures have remained roughly constant since my last report.

9. In certain areas, militia and police checkpoints, observation posts, and other installations are located very close to the southern boundary of the Temporary Security Zone, sometimes at locations where there are no civilian inhabitants. In the period under review, UNMEE has increased the number of its observation posts on the southern boundary of the Zone. These posts extend the monitoring by UNMEE of key and sensitive areas, ensure that the separation of forces is observed, and help to build confidence between the parties.

10. However, serious mutual suspicion continues to exist. In this connection, a case arose recently in the Central Sector of the Temporary Security Zone, near its southern boundary, where UNMEE mans a checkpoint between the towns of Serha and Zalambessa. The checkpoint, which is ideally situated on a plateau between the armed forces of the two parties, commands a full view of both towns and the surrounding areas.

11. In spite of several Eritrean requests, UNMEE declined to vacate the site. Eritrea, despite repeated oral and written appeals from UNMEE, then established a small police observation post and bunker near the UNMEE checkpoint and in sight of the Ethiopian forces a kilometre or so away. In response, the Ethiopians built additional bunkers 200 metres closer to the southern boundary of the Temporary Security Zone. Following an appeal from UNMEE, the Ethiopian positions are no longer manned and, more recently, Eritrea has withdrawn its police from the observation post near the UNMEE checkpoint.

12. It should be noted that article 14, paragraph (c), of the Agreement on the Cessation of Hostilities provides for the "deployment to and continuous monitoring by military units of the peacekeeping Mission at posts in key and sensitive positions within the temporary security zone in order to monitor the implementation of the commitments made by both Parties". UNMEE has no intention of withdrawing from any sensitive location.

13. Although tensions in the area have diminished, the incident described above highlights the need for both sides to exercise restraint and to avoid actions that could be considered provocative. It should also be noted that this type of problem is an exception. Overall, cooperation and communication between UNMEE and the Eritrean police and militia at the field level has been reasonably good inside the Temporary Security Zone despite isolated incidents.

Freedom of movement of the Mission

14. UNMEE continues to enjoy good access to the positions of the redeployed Ethiopian forces in the

adjacent area south of the Temporary Security Zone. At the same time, there has been an increase in the incidence of restrictions on freedom of movement by the Eritrean authorities in the adjacent area north of the Zone. UNMEE experienced its most serious restriction on 21 November, when Eritrean military police set up two roadblocks at both ends of the main Dekemhare-Adi Keyh road, one of the major highways of the country and the Mission's main supply route for its units in Sector Centre of the Temporary Security Zone. The restriction was lifted on 23 November, following a strong protest by UNMEE. However, freedom of movement still does not exist off of the major highways in the adjacent area north of the Zone.

15. The position of the Eritrean authorities is that UNMEE has freedom of movement only in the Temporary Security Zone and the main access roads to it and not in the adjacent areas. Such restrictions by Eritrea amount to a violation of article 13 of the Agreement on Cessation of Hostilities and paragraph 2 (e) of Security Council resolution 1320 (2000), which mandates UNMEE to simultaneously monitor the positions of Eritrean forces that are to redeploy in order to remain at a distance of 25 kilometres from positions to which Ethiopian forces shall redeploy. Eritrea has hindered the ability of UNMEE to monitor the area north of the Zone where Eritrean Defence Forces are positioned, and to obtain an accurate picture of their deployment.

16. As a result of long-standing discussions with the Eritrean authorities on this subject, the latter have begun to allow UNMEE to visit locations in the adjacent area north of the Temporary Security Zone upon 24-hours' prior notification. These are areas that UNMEE had not previously been able to monitor fully. While this measure does not entirely meet UNMEE requirements for freedom of movement, it does provide a useful modus operandi for monitoring Eritrea's redeployed forces. This will allow the Mission to speak with greater authority when responding to both Ethiopian allegations and the concerns of the international community.

17. Regrettably, there has been no progress regarding the establishment of a direct high-altitude flight route for UNMEE between Asmara and Addis Ababa. Eritrea continues to maintain that UNMEE should fly the most direct route and refuses to make any other route available. The Ethiopian authorities insist, however, that UNMEE make a brief deviation from the most direct route to steer clear of anti-aircraft installations. Ethiopia has allowed UNMEE to use any other route between the two countries. In the absence of an agreed direct route, UNMEE has been forced to extend the flight route between the two capitals, resulting in additional expenses to the Mission of US$ 1,290,376 to date.

Liaison officer system

18. In the period under review, UNMEE has experienced increasing problems with Eritrean liaison officers. At the sector level, Eritrean senior liaison officers have been frequently unavailable, or unwilling or unable to organize meetings with Eritrean Defence Forces commanders. The Eritrean Commission for Cooperation with UNMEE indicated in October that it would close the three sector offices because they were "underused". Following repeated UNMEE protests, the Eritrean Commission has given assurances that the offices would not be closed and that continuing problems with the liaison officers would be remedied, so as to further facilitate the Mission's work.

Military Coordination Commission

19. After two months of extensive consultations on the venue of the next meeting of the Military Coordination Commission, agreement was reached and the ninth and tenth meetings of the Commission were held in Djibouti on 29 October, and at the Mereb River Bridge on 28 November, respectively. Major issues discussed during the meetings included restrictions imposed on freedom of movement of UNMEE personnel; closure of liaison offices by the Eritrean authorities; the need to ascertain the numbers and deployment of police and militia within the Temporary Security Zone; and the importance of the parties' refraining from patrolling close to the southern boundary, in order to avoid any incidents. Regrettably, little progress was made on all these issues. However, procedures were agreed for the collection and exchange of the mortal remains of soldiers killed during the conflict.

Deployment of the Mission

20. The military component of UNMEE is well established throughout the Temporary Security Zone and the Mission area as a whole. The posts of United Nations military observers and troops, combined with their daily patrols, ensure the monitoring of the

Temporary Security Zone and, to some extent, the areas adjacent to it, despite the restrictions imposed by the Eritrean side. During November and December, a large number of UNMEE staff officers are being rotated. In December, the French Guard and Administrative Company will be replaced by a similar contingent from Ireland. As at 6 December 2001, the total strength of the military component of UNMEE stood at 4,117 personnel from 45 countries, including 3,904 troops and 213 military observers (see annex II).

Status-of-forces agreement

21. As of this writing, the Government of Eritrea has not signed the status-of-forces agreement, despite the request by the Security Council in resolution 1320 (2000) that the status-of-forces agreement be concluded by October 2000, as well as repeated appeals by myself and the Council. In accordance with Security Council resolution 1320 (2000), the model status-of-forces agreement is therefore in effect. The Eritrean Government has not advanced any new proposals regarding the outstanding issues. It should be recalled that the Government of Ethiopia signed a status-of-forces agreement on 22 March 2001.

III. Mine action

22. Following meetings between UNMEE and the commanders of engineering units of the Ethiopian Armed Forces in Addis Ababa on 1 and 15 October, the Ethiopian Ministry of Defence handed over to the United Nations maps containing information on minefields in the Temporary Security Zone and the areas adjacent to it. The UNMEE Mine Action Coordination Centre verified this information on the ground and is generally satisfied with the accuracy of the maps provided. However, UNMEE is seeking further details from the Ethiopian authorities on the types of mines used in the Zone and the adjacent areas, as well as more specific information on minefields already cleared by the Ethiopian Armed Forces.

23. However, landmines and unexploded ordnance remain a major threat to the population and the United Nations personnel operating on the ground. From September to November 2001, 5 civilians were killed and 25 others injured in incidents involving mines and unexploded ordnance in the Temporary Security Zone and the northern adjacent areas. While these figures are lower than might be expected under the circumstances, particularly in view of the large number of internally displaced persons who have returned to the Zone in recent months, they are still high.

24. On 29 September, a flail vehicle operated by the Danish Demining Group hit a mine while clearing a minefield near Shilalo in Sector West, injuring the operator. The investigation carried out by UNMEE concluded that the incident was caused by an anti-tank mine.

25. On 4 October, a vehicle carrying seven Ethiopian Armed Forces soldiers hit a mine on a road near Badme in Sector West. One Ethiopian soldier died, two were seriously injured and the remaining four sustained minor injuries. The road on which the incident occurred had been proved twice by UNMEE military demining units in preceding months. It is likely that, as a result of weather conditions, the deeply buried mine had subsequently moved towards the surface. The Mine Action Coordination Centre is contracting organizations that use mechanical equipment to clear roads at a far greater depth than is currently possible with UNMEE equipment. On 23 and 24 November, two mine incidents occurred, one on each day, on well-used roads. The investigation of incidents, which occurred north of the Temporary Security Zone in Sector West, has revealed that they were caused by recently laid mines.

26. In addition to operational demining, humanitarian mine operations in the Temporary Security Zone continued to expand during the reporting period. Training of humanitarian demining teams by the United Nations proceeded in collaboration with the Eritrean Mine Action Programme, the Eritrean National Training Centre and the non-governmental Eritrean Demining Agency, as a result of which additional mine-action teams were deployed to the Temporary Security Zone. The Mine-Action Coordination Centre also commenced training of special mine-action instructors, who will form the core of the Eritrean National Training Centre. Currently, 1,020 Eritrean personnel work in the Zone; they are organized in 18 manual clearance groups, six mechanical clearance teams, six explosive ordnance disposal and survey units, 13 mine-risk education teams, three survey and marking teams and two explosive detection dog units.

27. From 1 September to 30 November 2001, mine-clearance teams set up by the Eritrean Demining Agency, the HALO Trust, the Danish Demining Group

and the Danish Church Aid cleared 2,267,783 square metres of minefield and battlefield areas in the Zone. The ordnance disposal teams of these organizations destroyed 24 anti-tank mines, 1,066 anti-personnel mines and 890 pieces of unexploded ordnance.

28. In addition, during the reporting period, Slovak, Bangladeshi and joint Slovak-Kenyan military demining units of UNMEE complemented the humanitarian mine-action efforts by continuing to prove routes and clear key operational sites in Sectors West, Centre and East. From 1 September to 30 November, UNMEE military demining units cleared 169 kilometres of road and 283,530 square metres of operational sites. UNMEE contingent ordnance disposal teams also destroyed 94 pieces of unexploded ordnance.

29. In close cooperation with the United Nations Children's Fund (UNICEF), as well as national and international non-governmental organizations, UNMEE continued mine-risk education programmes for the local population of the Temporary Security Zone and the areas adjacent to it. In all, some 29,090 persons have thus far attended such sessions. Training of volunteer facilitators who will conduct mine-risk education in their local communities has also commenced. In addition, 15 personnel from national and international non-governmental organizations have been trained as mine-risk education facilitators.

30. The UNMEE budget continues to provide for the core staff and equipment of the Mine-Action Coordination Centre to enable it to carry out its coordination, technical advice and information management roles. The Mine Action Service of the Department of Peacekeeping Operations of the Secretariat and the United Nations Development Programme (UNDP) have developed a strategy document on United Nations mine-action assistance in Eritrea, which was presented to a donors' meeting held in New York on 19 November. The strategy document outlines goals, programmes and funding requirements for United Nations assistance during the emergency phase, as well as United Nations support for strengthening national capacity to mitigate the long-term effects of landmines.

IV. Boundary Commission

31. Since my last report, the work of the Boundary Commission has generally been proceeding in accordance with the programme that the Commission adopted soon after its establishment. Information on the recent activities of the Commission, provided by its President, is contained in annex I to the present report.

32. As members of the Security Council are aware, the activities of the Boundary Commission continue to be financed from the United Nations Trust Fund for the Delimitation and Demarcation of the Border, established pursuant to Security Council resolution 1177 (1998), and from the disbursements received from the parties. Thus far, each of the parties has made two contributions of US$ 250,000 towards the expenses of the Commission. Voluntary contributions to the Trust Fund, received from various Member States, currently total nearly US$ 5.4 million, with expenditures authorized in the amount of $1.8 million. I would like to express my appreciation to those Member States which have generously heeded my appeal to contribute to the Fund. At the same time, it is clear that additional, larger financial resources will be required for the demarcation of the border, once the Boundary Commission makes its determination on delimitation.

33. It is expected that the demarcation process will be a rather complex, large and costly enterprise. For example, parts of the border region involved in the dispute are still heavily mined. As a consequence, the erection of boundary markers will require extensive mine clearance in many locations. While UNMEE may be able, within its mandated parameters, to provide some assistance in this exercise, it will most likely require resources above and beyond its current capabilities. In due course, I intend to present to the Council recommendations about the possible additional role to be played by the United Nations in this regard. However, even at this stage, I invite Member States to consider ways and means in which they could provide direct assistance in this and other vital activities linked to the demarcation process.

34. In the meantime, I commend the parties for the cooperation they have so far extended to the Boundary Commission, which, I trust, confirms their commitment to the process of delimiting and demarcating the border. With the decision on delimitation fast approaching, the international community expects Ethiopia and Eritrea to be guided by the same spirit of

cooperation in accepting an award of the Boundary Commission, which will be final and binding, as called for in the Algiers Peace Agreement of December 2000. In this connection, I very much hope that the parties, with the support and encouragement of all Member States concerned, including the guarantors of the Agreements, will do their utmost to create a climate conducive to the prompt implementation of the decision of the Boundary Commission.

V. Humanitarian developments

35. The humanitarian situation throughout the Temporary Security Zone and adjacent areas in Eritrea and Ethiopia remains stable, and many of the internally displaced persons and refugees who have returned are rebuilding their lives.

36. The Eritrean Relief and Refugee Commission now estimates that there are 55,000 internally displaced persons (down from 70,000 at the time of my last report) remaining in nine camps. Factors that dissuade them from returning home include the threat of landmines, proximity of the southern boundary of the Temporary Security Zone or, in some cases, location of their villages in Ethiopian-administered areas. Included in the 55,000 figure are more than 9,300 persons who live outside camps, awaiting the restoration of social services and the completion of demining activities in their areas of origin. Internally displaced persons continue to return to their homes, either spontaneously or in organized groups, as the villages become more accessible.

37. The voluntary repatriation of Eritrean refugees from the Sudan, which had to be suspended owing to heavy rains, resumed on 20 October. As of the end of November, over 26,700 refugees (up from about 21,000 at the time of my last report) have been assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Government of Eritrea to return. Reintegration activities are continuing in the essential sectors of water and sanitation, health, education and community services. The major focus of UNHCR throughout this reporting period has been on building linkages between its initial reintegration assistance and the country's medium to long-term development programmes.

38. While the rains in Eritrea were better this year, they began somewhat late, and agricultural output is again projected to be below national requirements. Under the 2002 consolidated appeal process, the World Food Programme will be appealing for food aid to support relief activities as well as demobilization, food-for-work, school feeding and repatriation programmes. The emphasis will be on a shift from general food aid distribution to targeted programmes. The Food and Agriculture Organization of the United Nations, with funds from Sweden, has recently initiated a programme to boost potato production, as well as to assist in the rehabilitation of war-damaged veterinary centres. Similar initiatives are soon to commence with assistance from the Governments of the Netherlands and the United States of America.

39. Shelter reconstruction works are going on throughout the Temporary Security Zone. In addition to the rehabilitation of housing units carried out by the internally displaced persons themselves, UNDP, with funds provided by the Government of the Netherlands and an in-kind contribution from Norwegian Church Aid, completed a rehabilitation programme for 2,650 houses; rehabilitation of an additional 2,400 houses is under way.

40. Water supply and sanitation remain a problem in many areas of the Temporary Security Zone. However, with non-governmental organizations, UNICEF and UNMEE working on water programmes in areas affected by drought and war, some headway has been made in repairing old systems and providing new ones. Projects range from minor repairs to the complete rebuilding of water systems, such as the one in Om Hajer, which is assisted by UNICEF and UNMEE, as well as the Harsile wells in the South Red Sea zone, where UNDP is planning a major reconstruction programme.

41. The health sector is a major area of concern. The United Nations Population Fund (UNFPA), the World Health Organization and UNICEF, along with a number of non-governmental organizations, are also active in the health sector but, as with the water sector, the needs are immense and will require significantly more development funds. UNFPA, with support from the Government of the Netherlands, is undertaking the repair of a number of health facilities in the Temporary Security Zone, as well as providing emergency supplies and equipment to meet the reproductive health needs of women, men and adolescents affected by the conflict. Approximately US$ 150,000 of UNMEE quick-impact project funds has thus far been allocated for health-

related programmes in Ethiopia and Eritrea. The Indian Battalion has also undertaken a health outreach programme in Sector Centre, which provides health services to a number of communities in both Ethiopia and Eritrea.

42. Another major area of concern is education. As many schools were damaged during the war, additional funds for reconstruction are still needed. UNICEF is very active in the education field, where it is currently rehabilitating 19 schools.

Consolidated appeal process

43. The United Nations Office for Coordination of Humanitarian Affairs continues to provide support to humanitarian coordination in the country. As of 16 November, donor response to the 2001 consolidated appeal for Eritrea stands at 54 per cent of the total revised requirement of US$ 133,195,034. The current overall pledge rate for non-food projects (44 per cent) remains low in comparison to that for food-related interventions (59 per cent). On 27 November, the Government of Eritrea and the United Nations agencies issued a second consolidated appeal for Eritrea, covering needs in 2002, in which additional emphasis is placed on the non-food sector which is necessary to sustain the return and reintegration of internally displaced persons, refugees, demobilized soldiers and other vulnerable groups. As the peace process continues to hold, the emphasis in humanitarian activities coordinated by the Office is shifting from relief to rehabilitation and reintegration programmes. Through the 2002 appeal for Eritrea, the humanitarian community is requesting US$ 120,463,547, in order to target about 1.363 million persons affected either by war, drought, or both. I encourage the international community to respond generously to this important appeal.

Quick-impact projects

44. As at 30 November, 62 UNMEE quick-impact projects have been approved, in the areas of water and sanitation, health and education, and have already made a real difference for populations in dire need. Implementing partners for these projects include local and international non-governmental organizations, local administrations, United Nations agencies and UNMEE itself.

45. It should be recalled that the initial budget of UNMEE included US$ 700,000 earmarked for quick-impact projects. These funds are now almost exhausted, and a special Trust Fund to Support the Peace Process in Ethiopia and Eritrea was established in July 2001 to enable UNMEE to continue to support small projects and confidence-building interventions in the Temporary Security Zone and the adjacent areas of Ethiopia and Eritrea. In this connection, I would like to express my appreciation to the Government of Norway, which recently contributed approximately US$ 250,000 to the new Trust Fund. At the same time, I call upon other donors to make additional contributions to the Fund, the activities of which are so essential for the normalization of the situation in the affected areas.

Release and repatriation of prisoners of war

46. Eritrea released and repatriated 24 Ethiopian prisoners of war on 10 October, under the auspices of the International Committee of the Red Cross (ICRC). On 3 November, Ethiopia released and repatriated 23 Eritrean prisoners of war, also under the auspices of ICRC. Both repatriations were carried out on health grounds. At meetings with the Foreign Ministers of both Governments, UNMEE yet again urged that all prisoners of war now be released. Since December 2000, a total of 879 Eritrean and 653 Ethiopian prisoners of war have been repatriated under ICRC auspices. ICRC regularly visits approximately 1,800 prisoners of war in Ethiopia and 375 in Eritrea. In accordance with international humanitarian law and the Algiers Peace Agreement of 12 December 2000, both parties must release prisoners of war unconditionally and without delay.

VI. Human rights

47. During the reporting period, ICRC assisted the repatriation of 1,324 persons of Ethiopian descent from Eritrea. Those repatriated included individuals and families whose willingness to leave for Ethiopia was ascertained by ICRC during private interviews. At the same time, since December 2000, a total of 21,255 such persons have been repatriated to Ethiopia.

48. UNMEE interviewed four groups of persons repatriated to Ethiopia during the reporting period, in order to monitor their treatment. Human rights concerns that emerged as a result of these interviews included repeated claims that persons arrested were

sometimes held, albeit for short periods, in irregular detention centres; that persons with valid residence permits were arrested and repatriated against their will; and that persons arrested by the police were subjected to ill-treatment during arrest or detention. A few individuals had been detained since the beginning of the conflict, reportedly on national security grounds. In addition, concern emerged that former merchants, whose businesses had been closed by authorities for more than a year, were obliged to pay very large amounts in "taxes" in order to obtain exit visas. Family members who were unable to pay the "clearance fees" were obliged to remain in Eritrea, adding to the many existing cases of family separations. All persons interviewed claimed that they continued to face discrimination with regard to access to social services and were unable to find employment in Eritrea.

49. Following the forced repatriation of persons of Eritrean descent by Ethiopia in June of this year, no further such repatriations have been reported. ICRC assisted the voluntary repatriation from Ethiopia of a group of 312 persons of Eritrean descent on 17 November. In interviewing the group regarding the circumstances of their relocation, UNMEE found that most of the persons were former residents of Addis Ababa, who were joining relatives who had already been repatriated. As with persons of Ethiopian origin who choose to leave Eritrea, the main reason given for deciding to leave Ethiopia was the discrimination faced by persons of Eritrean origin, who are generally unable to find work and have limited access to public services.

50. By separate letters and meetings, UNMEE communicated its findings and human rights concerns to the Governments of Ethiopia and Eritrea, urging compliance with international standards of human rights and humanitarian law, and calling both parties' attention to their commitment to treat each other's nationals humanely under the Algiers Peace Agreement of 12 December 2000. Officials of both Governments indicated their willingness to consider proposals that would lead to improvement in the treatment of each other's nationals and to the eventual reunification of families split up as a result of the repatriations.

51. At the same time, UNMEE continued to carry out human rights monitoring activities within the Temporary Security Zone and the areas adjacent to it, and investigated some allegations of abductions by militia, police or military personnel. Those detained often stated that they were questioned about the activities of security personnel and troop movements in the area, and that they were also often ill-treated. Where allegations were confirmed, they were followed up with the relevant authorities.

52. It is obvious that the interest of the peace process is best served by the willingness of both countries to allow long-standing residents to remain in the countries which have become their homes. I encourage both of them to accelerate efforts aimed at ending the suffering and emotional hardship caused by these repatriations. I am hopeful that both Ethiopia and Eritrea will take concrete steps to improve the situation of each other's nationals within their respective territories.

53. From 1 to 5 October, UNMEE, in collaboration with UNICEF, carried out a "train-the-trainers" course on human rights, child protection and peacekeeping for 53 participants, which included representatives from the Mission's main military contingents. The training topics included basic policies on children in armed conflict, an overview of relevant international human rights standards and rules of conduct for peacekeepers.

VII. Public information

54. UNMEE continues to conduct regular press briefings in the capitals of both countries, arranges interviews and facilitates access to the Temporary Security Zone for members of the media. The Mission explains its mandate, reports on the peace process and addresses the most pressing concerns of internally displaced persons, with particular focus on mine awareness.

55. Radio UNMEE has yet to gain access to Ethiopian radio, and its weekly transmissions on Radio Eritrea were suspended by the Eritrean authorities on 24 October 2001. This action followed discussions in September between UNMEE and officials from the Ministry of Information regarding the latter's request for financial assistance from UNMEE for wear and tear on their equipment, supposedly caused in part by the transmission of UNMEE broadcasts. The question of such financial assistance remains under discussion.

56. It is hoped that agreement will soon be reached for the reinstatement of Radio UNMEE programmes on Eritrean airwaves and for free access by UNMEE transmissions to Ethiopian radio. In the meantime, Radio UNMEE programmes continue to be posted by the Department of Public Information on the United

Nations and other web sites in English and six local languages (Amharic, Arabic, Oromo, Tigre, Ethiopia-Tigrinya and Eritrea-Tigrinya). The importance of radio for directly reaching the largest number of citizens with information about the peace process in both countries cannot be overstated. In addition to the impact of restrictions imposed by Eritrean authorities on the independent press, the suspension of Radio UNMEE programmes in Eritrea and the lack of access by UNMEE transmissions to Ethiopian radio have compounded the difficulties faced by UNMEE in getting its message to the public.

VIII. Confidence-building measures

57. UNMEE efforts to facilitate confidence-building measures aimed at improving relations between Ethiopia and Eritrea have continued. In the light of Security Council resolution 1369 (2001) of 14 September, in which the Council expressly encouraged UNMEE to promote such measures, the Mission is exploring all possible avenues in this area. In this regard, UNMEE is taking opportunities to encourage direct interaction between the peoples of both countries, such as the participation by members of the national media from both Ethiopia and Eritrea in the UNMEE celebrations held at the Mereb River Bridge to mark United Nations Day 2001, in which Eritrean children and religious leaders participated.

58. However, the welcome initiative of the Norwegian Church Aid to bring together Ethiopian and Eritrean religious leaders (see para. 51 of my report to the Security Council, dated 19 June 2001 (S/2001/608)) has not made much headway. My Special Representative has maintained contact with the religious leaders of both sides and has encouraged them to turn the generally agreed plans for a joint meeting into reality. To this end, on 16 and 18 October, respectively, he held meetings with the Patriarch of the Ethiopian Orthodox Church and other Ethiopian religious leaders, and with the Patriarch of the Eritrean Orthodox Tewahdo Church and other Eritrean religious leaders, all of whom reaffirmed their commitment to bringing their plans to early fruition.

IX. HIV/AIDS awareness and training

59. The HIV/AIDS Task Force established in UNMEE continued to pursue its special HIV/AIDS programme, and training of the Kenyan, Jordanian, Indian and Bangladeshi military contingents has been ongoing. From 15 to 26 October, the Mission, together with the Joint United Nations Programme on HIV/AIDS (UNAIDS) in Ethiopia, organized the first joint UNMEE-Ethiopian Armed Forces HIV/AIDS "train-the-trainers" course. Its 28 participants included 24 representatives from the Ethiopian Armed Forces, as well as representatives from the Organization of African Unity (OAU) and the International Organization for Migration. The course, which was also aimed at preparing trainers for the Ethiopian Armed Forces, was well received. During the second half of November, UNMEE and UNAIDS in Eritrea also carried out two half-day training sessions on HIV/AIDS awareness and prevention for staff officers and civilian staff at UNMEE headquarters in Asmara. The Mission also participated in activities to mark World AIDS Day 2001 on 1 December.

X. Financial aspects

60. The General Assembly, by its resolution 55/252 B of 14 June 2001, authorized me to enter into initial commitments for UNMEE in the amount of $90 million covering the period from 1 July to 31 December 2001. My proposed budget for the Mission for the 2001/02 financial period, amounting to $208.9 million, has already been reviewed by the Advisory Committee on Administrative and Budgetary Questions. I expect the General Assembly to take action on the financing of UNMEE during its current session. As at 31 October 2001, unpaid assessed contributions to the UNMEE special account amounted to $128.4 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,611.5 million.

XI. Observations

61. The Security Council, in its resolution 1369 (2001) of 14 September 2001, decided to extend the mandate of UNMEE for another six months until 15 March 2002, and reiterated in strong terms its position on a number of cardinal issues related to the peace process. This position has since been repeated in

several statements to the press. However, many of the Council's appeals to the parties remain unimplemented.

62. The private meetings held separately by the Security Council with the Foreign Ministers of Ethiopia and Eritrea on 16 November provided an excellent opportunity for the members of the Council to express to the parties directly their views on and concerns about the peace process. I also took advantage of the two Ministers' presence in New York to encourage their Governments to cooperate closely with my Special Representative and to urgently resolve all outstanding issues. I take this opportunity to express my appreciation to the Secretary-General of OAU for his recent visit to Eritrea, where he carried out high-level discussions in support of the peace process, and for the valuable contribution of OAU to the work of the Military Coordination Commission.

63. The situation in the Temporary Security Zone remains calm. While the parties still have reservations regarding the boundaries of the Zone, they actually respect it on the ground. In the meantime, UNMEE patrols and observes effectively throughout the Zone, contributing an important element of stability to the situation. The great majority of internally displaced persons have returned or are returning home and the first post-conflict harvests have been reaped. Working together with the Mine Action Coordination Centre, Ethiopia has recently provided more mine information, a development that will assist demining efforts, thereby facilitating the return of the internally displaced persons who have thus far been unable to return because of landmines.

64. However, I regret to report that, during the past few months, tensions have risen considerably in the mission area, with each of the two parties accusing the other of building up militarily. Moreover, both parties have also accused UNMEE, without foundation, of pursuing a policy of "appeasement" and negligence vis-à-vis violations. While Eritrea's lack of cooperation in providing UNMEE with information on its militia and police and in allowing unrestricted freedom of movement in the areas adjacent to the Temporary Security Zone is regrettable, it is important to stress that the Mission, on the best information available, has found no evidence of any significant Eritrean military build-up.

65. It should also be stressed with all clarity that UNMEE must be able to move freely in the adjacent areas north of the Temporary Security Zone, in accordance with article 13 of the Agreement on Cessation of Hostilities, in order to investigate allegations and allay suspicions such as those which surfaced recently. For the same reasons, it is critical that Eritrea disclose the number, strength and main disposition of its militia and police inside the Zone, and that it refrains from deploying police and militia units close to the southern boundary of the Zone, which can only increase tensions. Eritrea's position that it will provide information on militia and police on the condition of confidentiality cannot be reconciled with the requirement for transparency, which is essential for building confidence between the parties.

66. It is precisely the absence of such mutual confidence that leaves the relationship between the two countries in a potentially volatile situation. When each suspects the worst of the other, relatively small incidents can quickly lead to an otherwise avoidable escalation. I once again appeal to Eritrea to cooperate fully with UNMEE, including by granting it freedom of movement in the adjacent areas north of the Temporary Security Zone, so that Ethiopia and, indeed, the Security Council can be reassured that Eritrea has no intentions other than implementing in full their obligations under the peace process. At the same time, I urge both parties to exercise restraint, as the recent public allegations of major military preparations, and further escalation of rhetoric that accompanied them, do not help the cause of peace.

67. While the recent release of ailing prisoners of war by both Governments is commendable, Ethiopia and Eritrea should be reminded that under the Algiers Peace Agreement and international humanitarian law they are obliged to release all remaining prisoners of war without delay.

68. As a matter of urgency, the parties should also facilitate the establishment of the most practicable direct air corridor between Addis Ababa and Asmara; and Eritrea is still expected to conclude the status-of-forces agreement with the United Nations without further delay.

69. Efforts must now be directed at creating the right climate for the forthcoming decision on delimitation of the Boundary Commission. As that time approaches, it will be vital for the parties, with the active encouragement of the Security Council and the guarantors of the Algiers Agreements, to ensure the

consolidation of peace between the two countries. In this context, I also appeal to the Member States concerned to continue to provide assistance to both Ethiopia and Eritrea to overcome their humanitarian difficulties and embark on the road of reconstruction and development.

70. In conclusion, I wish to express my appreciation to my Special Representative, Legwaila Joseph Legwaila, and to all military and civilian personnel of UNMEE, as well as humanitarian workers and representatives of non-governmental organizations operating on the ground, for their tireless efforts to promote peace between Ethiopia and Eritrea. I would also like to express my gratitude for the invaluable support UNMEE has received from OAU and the Member States assisting in this process.

Annex I

Eritrea/Ethiopia Boundary Commission

Third report on the work of the Commission

1. This is the third report of the Eritrea/Ethiopia Boundary Commission. It covers the period from 1 September to 30 November 2001.

2. The work of the Commission continues to proceed in accordance with the programme adopted soon after its establishment. The parties, having exchanged Memorials on 30 June 2001, proceeded to an exchange of counter-memorials on 30 September 2001 and an exchange of Replies on 29 October 2001. These written pleadings are impressive both for their comprehensiveness and the speed with which they have been prepared, thus demonstrating the clear and continuing commitment of both parties to the implementation of their agreement that the boundary dispute should be peacefully resolved as quickly as possible.

3. The written phase of the pleadings was closed upon the filing of the Replies. A pre-hearing consultation was held with the parties on 6 November 2001 at the premises of the Permanent Court of Arbitration in The Hague, at which procedural details relating to the hearings were settled. The hearings will be held at The Hague between 10 and 21 December 2001. The Commission will make every effort to produce its decision on the delimitation phase by the end of February 2002.

4. Unfortunately, the plans for three members of the Commission to visit the border region in October 2001 had to be cancelled. The schedule of the Commission will not now permit it to view the area before it produces the delimitation decision. The parties have accepted the Commission's decision to cancel the visit. Fortunately, however, the thoroughness with which the parties have in the meantime completed their written pleadings has reduced the need for the visit.

5. It will be necessary to mark the delimitation line on a large-scale map. A satellite image map on a scale of 1:50,000, which is currently being prepared by the United Nations Cartographer, will be used for this purpose. Once the delimitation line is known, it will be necessary, before demarcation can begin, to agree on the overflight arrangements with the parties for the preparation of an aerial photo map on a scale of 1:25,000, covering a 10-kilometre-wide track along the delimited boundary. This map, the preparation of which will be heavily dependent on there being suitable climatic conditions for aerial photography at the appropriate time, will be used to record, as the demarcation proceeds, the definitive line of the boundary, including the location of boundary pillars. The exact position of the pillars will be confirmed subsequently by a final "as-built" survey, using a global positioning system to establish conclusively and finally the coordinates of the pillars. These may differ, but only very slightly, from the coordinates extracted from the aerial photo maps. The Commission takes this opportunity to acknowledge the very helpful work being done by the Secretary of the Commission (the United Nations Cartographer) and his staff in this connection.

6. The Commission has authorized the Secretary to set up Field Offices in Addis Ababa and Asmara. These are necessary in connection with the preparation of the aerial survey and other preparations for the demarcation phase. The parties have agreed to the establishment of those offices.

7. The Commission has been advised that the demarcation stage of settling the boundary could take a long time. Demarcation is a physical process that must necessarily take place on the ground. The whole of the border region involved in the dispute has been heavily land-mined, to an extent that will prevent demarcation until the mines have been cleared, even if only in the prospective localities of the boundary markers. Although general consideration is being given to demining in relation to the demarcation process, detailed plans cannot be made until the delimitation phase has been completed and the line of the boundary is known. Even so, it is already clear that the whole demining process will be of considerable complexity.

8. Although the mandate of the Commission, as laid down in article 4, paragraph 2, of the Agreement of 12 December 2000 between the parties, includes demarcation as well as delimitation, the precise

allocation of on-the-ground responsibility for organizing the demining process as between the Commission and UNMEE requires clarification, a matter that the Security Council will no doubt wish to consider. It should be borne in mind that, regardless of who is responsible for carrying out the process, it will be very costly and will necessitate major increases in the United Nations Trust Fund for the Delimitation and Demarcation of the Border established in accordance with Security Council resolution 1177 (1998). The Commission believes that the demining, which is an essential preliminary to demarcation, would be best carried out by, or under the management of, UNMEE on the basis of the delimitation decision of the Commission and in consultation with the Commission; and that only when a given stretch of the border as delimited, or access to the prospective locations of individual boundary pillars is declared mine-free, should the actual demarcation proceed.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Commission

22 November 2001

Annex II

United Nations Mission in Ethiopia and Eritrea: contributions as of 6 December 2001

	Military observers	*Staff officers*	*NSE*[a]	*Troops*	*Total*
Algeria	8	2	-		10
Australia	3		-		3
Austria		2			2
Bangladesh	7	6		159	172
Benin	5	3			8
Bosnia and Herzegovina	9				9
Bulgaria	5	2			6
Canada	6				6
China	5				5
Croatia	5				5
Czech Republic	2				2
Denmark	4	2			6
Finland	7	2			9
France	2	1		194	197
Gambia	4	2			6
Ghana	11	2			13
Greece	2				2
India	4	18		1 340	1 362
Ireland		13	17	209	229
Italy	5	7	139		151
Jordan	6	16	942		964
Kenya	9	3	599		611
Malaysia	7	5			12
Namibia	3	2			5
Nepal	4				4
Netherlands	-	2			2
Nigeria	4	4			8
Norway	5				5
Paraguay	2				2
Peru	2				2
Poland	6				6
Romania	8				8
Russian Federation	6				6
Singapore	2				2
Slovakia	7	2	201		210

	Military observers	*Staff officers*	*NSE*[•]	*Troops*	*Total*
South Africa	5	2			7
Spain	3	3			6
Sweden	7		-		7
Switzerland	4				4
Tunisia	3	3			6
Ukraine	5				5
United Republic of Tanzania	8	3			11
United States of America	6	1			7
Uruguay	6				6
Zambia	10	4			14
Total	**213**	**121**	**10**	**3 783**	**4 127**

• National support element.

United Nations S/2001/1195

Security Council

Distr.: General
13 December 2001

Original: English

Twelfth report of the Secretary-General on the United Nations Mission in Sierra Leone

I. Introduction

1. In paragraph 3 of its resolution 1370 (2001) of 18 September 2001, the Security Council requested me to report at regular intervals on progress made by the United Nations Mission in Sierra Leone (UNAMSIL) in the implementation of its mandate. The Council further requested me to report on how UNAMSIL would support the elections in Sierra Leone. The present report is submitted pursuant to those requests and covers developments since my eleventh report on UNAMSIL, dated 7 September 2001 (S/2001/857).

II. Political developments

Implementation of the Abuja Agreement

2. The peace process in Sierra Leone witnessed further progress during the period under review. The ceasefire continued to hold and the disarmament of combatants of the Revolutionary United Front (RUF) and the Civil Defence Forces (CDF) was completed in 10 of the 12 districts of the country. The troop strength of UNAMSIL reached the authorized ceiling of 17,500 and the Mission has deployed in all districts of Sierra Leone. The Government continued to take steps to extend its authority to areas formerly controlled by RUF.

3. The joint committee on disarmament, demobilization and reintegration, comprising UNAMSIL, the Government of Sierra Leone and RUF, held three meetings to review progress in the disarmament process. At the first meeting, held in Makeni on 18 September, the joint committee declared the disarmament exercise completed in the main diamond-producing district of Kono and in Bonthe. The Government also reaffirmed its commitment to assist RUF in acquiring office space in the provincial capitals of Bo, Kenema and Makeni, to enable it to meet the criteria for registering as a political party.

4. At the second meeting, convened in Freetown on 11 October, the parties agreed to launch a programme for the collection of shotguns, which had been excluded from the original disarmament programme. The Government subsequently prepared a plan for the collection and destruction of those weapons, which are mainly in the hands of CDF and the civilian population. The parties endorsed the plan at the third meeting, held at Freetown on 8 November. Prior to the meeting, on 7 November, the Government had released additional RUF detainees, including two former cabinet ministers, as a confidence-building measure.

5. Meanwhile, the political parties in Sierra Leone are beginning to prepare for the forthcoming elections. In that connection, eight opposition parties held meetings to discuss the possibility of merging into a single party. With the assistance of the Government, RUF acquired office premises for its party in Freetown with the assistance of the Government, and also obtained offices in Bo and Makeni. At the invitation of the Government of Nigeria, five RUF party officials received training in political party management and democratic practices in Abuja as part of a programme to assist the movement in transforming itself into a political party. Nigeria has also offered to provide some office equipment for the RUF party offices.

01-69310 (E) 141201

Regional aspects

6. Guinea, Liberia and Sierra Leone continued the dialogue, which they opened in August 2001, with a view to building confidence among them. Defence and Security Ministers of the three countries met in Monrovia from 25 to 28 September and agreed to cooperate in curbing armed dissidents in the subregion and to deploy security units along their borders. Subsequently, Liberia announced that it had reopened its border with Sierra Leone, which it had closed in March.

7. On 16 November 2001, I met in New York with the Foreign Ministers of Guinea, Liberia and Sierra Leone, who briefed me on the dialogue between the three countries. They requested the United Nations to assist their countries in implementing the confidence-building measures agreed upon at their recent meetings and in reactivating the secretariat of the Mano River Union and supporting civil society groups that are promoting reconciliation in the subregion. I welcome this important initiative and appeal to Member States to extend all possible assistance to the efforts of the three countries.

Coordination between the United Nations and the Economic Community of West African States

8. The Fifth Meeting of the Coordination Mechanism between the United Nations, the Economic Community of West African States (ECOWAS) and the Government of Sierra Leone, in which I participated, was also held in New York on 16 November. The mechanism welcomed the progress achieved in the Sierra Leone peace process, but expressed concern that the inadequate resources and opportunities available for the reintegration of the disarmed combatants could jeopardize the upcoming elections. It therefore requested ECOWAS and the United Nations to dispatch a mission to the capitals of donor countries to urge them to contribute the resources needed for the reintegration programme. It also stressed that the assistance extended to RUF to transform itself into a political party should not contribute to the creation of an uneven playing field for the forthcoming elections.

III. Military and security situation

9. The overall security situation in Sierra Leone remained generally stable during the reporting period. However, there were clashes between disarmed CDF and RUF cadres over mining claims in Kono District in late September. There was also a protest by ex-combatants in Freetown in early October due to a dispute over the payment of their reinsertion packages. While both incidents were resolved with the assistance of UNAMSIL troops, they underscored once again the urgent need to create reintegration opportunities for the ex-combatants.

10. In close coordination with UNAMSIL, the Sierra Leone Army deployed in key areas on the borders with Guinea and Liberia, including in the Kono, Koinadugu and Pujehun districts. The Army also deployed to new areas in the Port Loko and Bo districts.

Deployment of the Mission

11. As indicated above, the troop strength of UNAMSIL reached its authorized full strength of 17,500 in November, enabling its troops to be deployed in all districts of the country. The Nepalese battalion, which arrived in the Mission area during the months of October and November, has assumed responsibility for the Moyamba and Bonthe districts.

12. In addition to assisting in the disarmament exercise and conducting robust ground and aerial patrols, UNAMSIL military personnel provided security escorts to the Sierra Leone Army re-supply convoys to Kabala in Koinadugu District and Bumbuna, in Tonkolili District. The peacekeepers also assisted the Sierra Leone police during its deployment to the Bombali and Kono districts. The Mission's Force engineers continued to rehabilitate roads in the eastern districts to facilitate movement of UNAMSIL patrols and to widen areas of accessibility by the humanitarian community.

13. UNAMSIL has thus successfully completed implementing its military concept of operations for the year 2001. The Mission is currently undertaking a reconfiguration of its deployments to prepare to provide support for the elections.

14. On 7 November, a UNAMSIL helicopter belonging to the Ukrainian contingent, which was travelling from the Mission headquarters to Lungi

airport, crashed into the sea shortly after take-off. The helicopter was carrying four crew members, two Zambian military officers and a Bulgarian United Nations volunteer. An extensive search and rescue operation was immediately launched and three bodies were recovered. Ukraine subsequently dispatched a team of divers and equipment and the wreckage was successfully recovered on 29 November with the speedy and generous assistance of Sierra Leone, the United Kingdom of Great Britain and Northern Ireland and the United States of America. No further bodies were recovered. An investigation into the cause of the crash is under way.

IV. Disarmament, demobilization and reintegration

Disarmament and demobilization

15. Since the resumption of the disarmament, demobilization and reintegration programme on 18 May 2001, 36,741 combatants have disarmed (12,087 RUF, 24,456 CDF and 198 Armed Forces Revolutionary Council (AFRC)/ex-Sierra Leone Army), as of 9 December 2001. The number of combatants who have disarmed to date has exceeded the initial estimated total of 28,000 and the final figure is expected to reach approximately 40,000. Although the unforeseen high number of additional combatants that have come forward to disarm may reflect success in the disarmament exercise, it has serious implications for the already precarious funding of the reintegration programme. A total of 13,500 weapons and 2.8 million assorted pieces of ammunition were collected during the reporting period.

16. The disarmament process has been completed in the Kambia, Port Loko, Kono, Bonthe, Bombali, Moyamba, Koinadugu, Tonkolili, Bo and Pujehun districts, as well as in the Western Area. The last phase of the process began in the remaining two districts of Kailahun and Kenema on 15 and 17 November, respectively. However, on 17 November, RUF leader Issa Sesay ordered his combatants to stop disarming in the two districts to demonstrate his disagreement with the outcome of the National Consultative Conference, which was convened from 13 to 15 November to discuss electoral issues (see paras. 33 and 34 below).

17. On 7 December, my Special Representative met with the RUF leader in Magburaka to impress upon him the need to advance the stalled disarmament exercise in the Kenema and Kailahun districts. Mr. Sesay presented new demands, including a call for the release of Foday Sankoh and the revival of the Commission for the Management of Strategic Resources, which had been headed by Sankoh under the Lomé Peace Agreement. He also reiterated his demand for the establishment of a trust fund to assist RUF in transforming itself into a political party.

18. My Special Representative advised Mr. Sesay that his concerns could stand a better chance of being addressed if RUF completed the disarmament process, and the RUF leader eventually agreed to resume disarmament in the Kailahun and Kenema districts on 10 December. Due to the delays resulting from the RUF demands, the disarmament exercise in the two districts is now expected to be completed by the end of December 2001.

19. The implementation of the Sierra Leone police-led special programme for the collection of weapons (mainly shotguns), which had been excluded from the current disarmament process, began on 30 November. The arms are to be collected on a voluntary basis, with UNAMSIL providing storage facilities and assisting in the destruction of the collected weapons.

20. Following the completion of the disarmament programme in the coming weeks, it will be necessary to conduct a comprehensive assessment of the effectiveness of the exercise. In this regard, a yardstick for measuring its success should be clearly defined, taking into account the quantity and quality of weapons submitted, the return of weapons seized by RUF from UNAMSIL and the ECOWAS Monitoring Group (ECOMOG), as well as persistent reports that RUF may have moved some of its weapons and combatants outside Sierra Leone.

Reintegration

21. Payment of reinsertion benefits, which are intended to enable disarmed combatants to settle in their communities while awaiting long-term reintegration, started on 15 October. So far, over 17,000 former combatants have received this benefit in Port Loko, Lunsar, Kambia, Freetown, Lungi and Koidu. Reintegration opportunities, however, remain

limited. To date, 13,741 former fighters, including those disarmed before the crisis of May 2000, have been absorbed in vocational and formal education programmes. More efforts, however, are urgently needed in this important area.

22. UNAMSIL and the Government of Sierra Leone are encouraging implementing partners in the reintegration programme to begin operations in the newly accessible districts. Pending the availability of long-term reintegration projects in these areas, UNAMSIL, the United Nations Development Programme (UNDP) and the United Kingdom are funding short-term bridging projects in some parts of the country where ex-combatant manpower is used in repairing roads and rehabilitating public buildings.

23. A total of 1,361 (65 per cent from RUF and 35 per cent from CDF) ex-combatants have been selected for reintegration into the Sierra Leone Army under the Military Reintegration Programme. The selected ex-combatants are currently undergoing training under the United Kingdom-led International Military Advisory Training Team.

V. Governance and stabilization

Extension of State authority

24. Following the deployment of UNAMSIL forces and the completion of disarmament, district and line ministry officials have returned to the Kambia, Port Loko and Koinadugu districts. All the Paramount Chiefs have returned to Kambia District. Displaced chiefs from the Port Loko, Kenema, Tonkolili and Bombali districts have also returned; most recently five chiefs from Koinadugu and 14 chiefs from Kono have returned to their chiefdoms with the assistance of UNAMSIL. The National Recovery Committee has set a timetable for the re-establishment of core administrative services in all newly accessible areas within three months of the completion of disarmament within those districts.

25. Capacity constraints remain a major impediment to the effective extension of State authority. Office facilities, accommodation and transportation for returning officials are very limited or non-existent. In support of the national recovery effort, UNAMSIL, UNDP, the United Nations Children's Fund (UNICEF), the United Kingdom and other partners are developing some quick-capacity packages aimed at providing minimum essential support for core services in the newly accessible districts.

26. During the reporting period, the Sierra Leone police deployed in the Kono and Bombali districts. The deployment of the police in Kono District was followed by the adoption by the Government of a policy on issuing licences for alluvial diamond mining and on controlling the movement of people to the diamond-mining districts. Police presence has also been reinforced in the Kambia and Koinadugu districts. While the national police force has set a target for deploying in every district by the end of January 2002, its present strength of only 6,500 would need to be expanded to provide adequate coverage throughout the country.

27. UNAMSIL and the Commonwealth Community Safety and Security Project launched a pilot project in the Western Area aimed at enhancing the effectiveness of the local police. The project covers all facets of police operations, including the strategic and supervisory level, assistance to patrol officers, as well as traffic and criminal investigation.

28. Housing committees were set up in the Port Loko, Koinadugu, Kono and Kailahun districts to settle disputes arising from the illegal occupation of houses and land during the war, which has become a major source of community tension and an obstacle to the peaceful rebuilding of communities.

Rehabilitation

29. In order to accelerate progress in social and economic rehabilitation nationwide, the National Recovery Committee has commissioned a series of assessment missions in the Kambia, Kono, Port Loko and Koinadugu districts. It is expected that all major areas of the country would have been assessed by the end of March 2002. These assessments are being used to set priorities and mobilize resources for rehabilitation, which is now under way in newly accessible districts with the support of donors and NGOs.

30. The National Recovery Committee also intends to use the assessment exercise to prepare for the next donors meeting. In doing so, the committee seeks to widen the circle of donor countries and institutions active in Sierra Leone. To that end, the Government,

together with UNDP, the Office for the Coordination of Humanitarian Affairs and the World Bank, are planning a donors conference for Sierra Leone in early 2002, to present the rehabilitation and reintegration requirements and to discuss future aid coordination arrangements.

31. Pursuant to the concerns expressed by the General Assembly and the Security Council on the impact of HIV/AIDS in the context of peacekeeping operations, UNAMSIL continued the intensive sensitization of its military and civilian personnel. A train-the-trainers programme for a selected number of peacekeepers in their respective areas of operation is under way. The UNAMSIL campaign against HIV/AIDS also includes a weekly programme on Radio UNAMSIL to educate the Sierra Leonean public about HIV/AIDS.

VI. Elections

32. Under resolution 1270 (1999), the Security Council mandated UNAMSIL to support the elections in Sierra Leone, which are now scheduled to take place on 14 May 2002. As indicated in my previous reports, Sierra Leone's National Electoral Commission, which is responsible for organizing and conducting the elections, has requested the United Nations to provide technical and logistical support for the elections, including transport and communications, as well as overall security and a team to observe the electoral process.

Current situation

33. Since my report of 7 September 2001 (S/2001/857), the National Electoral Commission has drawn up an electoral plan and a National Consultative Conference was convened in Freetown from 13 to 15 November to address core electoral issues, in particular the type of electoral system to be adopted. Representatives of all political parties, including RUF, as well as civil society groups and the Government participated in the conference.

34. The conference endorsed the date of 14 May 2002 for holding the elections and the district block electoral system (see para. 38 below) proposed by the Commission. It also stressed that the repatriation of refugees and the resettlement of internally displaced persons would be essential to the organization and conduct of credible elections. However, on 17 November, RUF leader Issa Sesay conveyed to UNAMSIL his disagreement with the outcome of the conference and claimed that RUF had rejected the district block electoral system.

35. It is envisaged that the draft bill on the district block electoral system will be put before Parliament in the coming weeks. Another draft bill aimed at codifying the existing disparate laws into a single electoral code will also be submitted to Parliament shortly.

36. The total number of eligible voters will be determined through voter registration. The identification of voter registration centres has already begun in the Western Area Urban (Freetown) and Rural, as well as in the Northern Province. The National Electoral Commission has indicated that the registration of voters originally scheduled to take place from 10 to 24 January 2002 will be delayed for approximately two weeks. The postponement is not expected to affect the other stages of the process, including the date for the presidential and parliamentary elections.

37. The National Democratic Institute, a United States-based NGO, and the Forum for Democratic Initiative, a Sierra Leonean NGO, have established a resource centre in Freetown to provide training, access to printing, as well as educational and media facilities for all eligible political parties and candidates participating in the general elections. The International Foundation for Electoral Systems (IFES) and the Commonwealth are also providing technical support to the National Electoral Commission, including overall management, legal and voter registration advice. The Commonwealth and IFES have also assisted the Commission in preparing a budget and strategic and operational plans.

National Electoral Commission plans

38. Under the district block electoral system, the country's 12 administrative and two electoral districts will serve as electoral constituencies. Parliamentary representatives will be elected from party lists drawn up at the district level. According to the recommendation of the National Electoral Commission, an equal number of parliamentary seats

should be allocated to each district, irrespective of population size. The president will be elected directly by the national electorate based on party nominations, with the whole country serving as a single constituency. It should be noted that some opposition political parties have questioned the equal allocation of seats, as it does not reflect the population distribution in the country.

39. The 149 Paramount Chiefs will elect their 12 parliamentary representatives on 5 May. The electoral plan also provides for a special voting day on 8 May for police and other personnel scheduled to be on duty on polling day.

40. In principle, the National Electoral Commission has recommended that Sierra Leonean refugees register in their countries of asylum. However, the feasibility of such an exercise remains questionable. Moreover, it is unlikely that all countries of asylum will accept the proposed arrangement, which will also present major logistical and financial challenges. The Commission has also suggested that internally displaced persons be registered in their current camps but vote in their respective districts.

41. Nevertheless, the National Consultative Conference considered that the repatriation of refugees and the resettlement of displaced persons were essential to the organization and conduct of credible elections. In this connection, my Special Representative has held discussions with the representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Guinea, Liberia and Sierra Leone on the need to do everything possible to assist refugees who wish to return voluntarily before the election.

42. The National Electoral Commission has projected that the cost of the elections will amount to approximately US$ 11.6 million, of which the Government is expected to contribute $3.5 million, with the balance coming from donor countries. So far, the Government has paid a first tranche of $495,000 and a number of Member States and international organizations have pledged funds for the elections. However, there still remains a funding gap of $2,281,559. UNDP has set up an Elections Trust Fund to meet the shortfall in the Commission's budget, to which it has paid $250,000 as seed money.

43. The National Electoral Commission has proposed the timelines for the electoral process as follows:

- Identification of registration and polling stations: 15 November-31 December 2001;
- Voter registration, including the registration of refugees and internally displaced persons: 24 January-7 February 2002;
- Presidential and parliamentary elections: 14 May. If necessary, a run-off presidential election will take place thereafter.

Outstanding concerns

44. The National Electoral Commission continues to face serious operational and political challenges which, if not addressed soon, could impair its ability to conduct the electoral process in an efficient manner. There are still a number of gaps in the Commission's preparations for the elections, which have hampered the efforts of UNAMSIL to finalize its plans for supporting the electoral process.

45. As currently proposed, 5,400 polling stations are expected to be established at approximately 3,000 locations throughout the country. However, the large number of registration and polling locations will impose a severe security burden on the Sierra Leone police. It may therefore be advisable for the police to consider static deployment of its personnel at registration and polling locations in the rural areas, while conducting security patrols for the polling locations in the urban areas where communication and accessibility are easier.

46. There is also concern that the two-week period allocated for voter registration may be too short, which could disenfranchise some eligible voters, particularly internally displaced persons and returnees. In this regard, it may be necessary for the National Electoral Commission to consider continuing the registration process beyond the current deadline.

47. Some civil society groups and political parties have expressed concern at the absence of continuous dialogue between them and the National Electoral Commission. Such dialogue is essential for ensuring the credibility of the electoral process, and I have asked my Special Representative to continue his efforts to facilitate it.

United Nations role in supporting the elections

48. Given the limited capacity of the National Electoral Commission and the operational challenges facing it (some of which are described above), the United Nations is planning to extend technical and logistical assistance to the Commission and to provide general security support for the electoral process. In providing such vital assistance, the Organization will be mindful of the primary responsibility of the Commission to organize and conduct free, fair and transparent elections.

49. The UNAMSIL electoral component, which is currently being established, will closely monitor the electoral process and advise my Special Representative on whether the modalities are feasible and minimum international standards are being met at every stage. My Special Representative intends to use these assessments to draw the attention of the Government, the National Electoral Commission and other international partners to any shortcomings and recommend ways of overcoming them. This should help ensure that factors that could negatively affect the credibility of the elections are minimized. UNAMSIL will continue to play an active role in assisting the national stakeholders in reaching consensus on any major electoral issues that may arise.

50. UNAMSIL also intends to establish one electoral office in each of the electoral regions — the Western Area Rural (Freetown) and Urban (Freetown), the Southern Region (Bo), the Northern Region (Makeni) and the Eastern Region (Koidu) — as bases for electoral advice, support and monitoring activities. It is also intended that a total of 15 electoral officers will be deployed to these sites (3 at each site) beginning in early January 2002. In addition, up to 10 international Professional staff, assisted by the necessary General Service personnel, would be required at UNAMSIL headquarters. Consultancy funds would also be required for a period of three months for monitoring the provisions put in place for the counting system, as well as to ensure that specific public information activities are carried out and to provide support to international observers.

51. A determination on any observation role that the United Nations may play would depend on a further assessment of the progress in the electoral process. UNAMSIL, however, intends to provide, within available resources, assistance to international observers who may be invited by the National Electoral Commission.

Security arrangements

52. The Mission, as currently deployed, is already providing "umbrella security" throughout the country in accordance with its military concept of operations for 2002, which aims to establish the necessary military framework for the elections. This security arrangement facilitates freedom of movement and promotes conditions in which the Sierra Leone police should be able to carry out its own security responsibilities effectively.

53. As mentioned above, the UNAMSIL military sector boundaries are being realigned with the electoral district boundaries, where practicable. This process should be completed by February 2002. During the voter registration stage of the electoral process, UNAMSIL will continue to conduct robust patrolling and maintain a flexible posture to respond to security needs, if required. It is envisaged that the necessary security support to the electoral process can be provided with the existing troop strength, possibly with minor adjustments to equipment capabilities.

54. During the polling period, UNAMSIL troops would be tasked to patrol more widely to promote confidence. Routinely, the sectors would maintain uncommitted company size reserves, and the Force reserve will continue to be at a high state of readiness. Exceptionally, UNAMSIL troops would be prepared to respond to situations of public disorder, with the Sierra Leone police taking the lead, but the United Nations troops would concentrate primarily on the provision of wider security and deterrence. UNAMSIL military observers would also conduct patrols and maintain liaison with other United Nations and Government of Sierra Leone agencies. In the event of a second round of the presidential election, arrangements would be made to maintain the electoral security arrangements for an additional period of two to three weeks.

Role of the civilian police

55. The Sierra Leone police will be responsible for point security arrangements before and during the electoral process. Their obligation will be to ensure

that, inter alia, the voter registration, public campaigning, the casting of votes and their subsequent counting, and the installation of elected candidates are conducted in a safe and secure environment.

56. The role of the United Nations civilian police would be to advise and support the approximately 6,500 strong Sierra Leone police force in carrying out its election-related responsibilities. Initially, the civilian police would concentrate their activities on assisting the Sierra Leone police force in devising and implementing an electoral training programme for its personnel at the regional and district levels, as well as at headquarters. The training would focus on establishing security for public events, human rights and police conduct.

57. In order to accomplish the above tasks, the civilian police component of UNAMSIL, which currently has an authorized strength of 60 advisers, would require an additional 30 officers for a period of six months, bringing its total strength to 90. This increase in personnel would enhance the ability of the civilian police to support and advise the Sierra Leone police and offer assistance to 17 of its divisions. It would also enable the civilian police component to strengthen its capacity in each of the electoral regions for the purpose of liaising and coordinating on security issues.

Public information assistance

58. The UNAMSIL Public Information Section has already begun sharing its technical expertise and extending its facilities to the Commission. It is assisting the National Electoral Commission in designing and implementing a civic education and public information strategy, which will be ongoing throughout the electoral process. UNAMSIL has also started regular coverage of the Commission's activities on Radio UNAMSIL. Additional radio transmitters, which are already in the Mission area, will be installed to extend the station's reach throughout the country.

59. During voter registration, UNAMSIL would assist the Commission by utilizing Radio UNAMSIL to educate voters, in local languages, on the registration drive. The Mission would also help the Commission design and produce print products such as posters, pamphlets and stickers. The focus of the Mission's public information activities during the political campaigning stage of the electoral process would be on creating a level playing field in the media for the candidates. Radio UNAMSIL will also provide the parties with a forum to explain their manifestos and programmes.

60. As the capacity of the National Electoral Commission in the areas of civic education and public information is severely limited, the UNAMSIL Public Information Section would be expected to provide technical assistance in these vital areas. Additional resources will therefore be required for the staffing of an elections unit within the Public Information Section, including one international officer and two national staff members. The unit will be the main interface with the National Electoral Commission and the electoral component of UNAMSIL on public information.

Logistical aspects

61. At every stage of the electoral process, UNAMSIL would require some augmentation of its logistical resources, in order to support the more dispersed deployment mode of the military component of the Mission, as well as to provide for the contemplated increase in the civilian police component and to support the election-related activities of all other components of the Mission. Additional resources would also be required for the logistical support to be extended to the National Electoral Commission. This support would include transportation of electoral personnel and materials, storage and distribution of election materials prior to the election, movement of ballot papers following the election, limited logistic assistance to international election observers and support to public information activities, as described in paragraphs 58 to 60 above.

62. Based on the currently available information, preliminary assessments indicate that the specific areas in which these additional resources would be required include office accommodation and services, power generation, water purification, air and ground fuel as well as storage capacity, EDP and communications, air operations and light vehicles. A further detailed study of the requirements for additional resources to support the election-related activities of UNAMSIL will have to be carried out after the National Electoral Commission submits its final list of areas where support is particularly needed.

VII. Human rights

63. During the period under review, UNAMSIL investigated and confirmed attacks that had been perpetrated by RUF on a village in Koinadugu District earlier on 20 August. The Mission's human rights officers also discovered and facilitated the release of a number of persons illegally detained by RUF in Makeni in October on the grounds of allegedly having committed criminal offences. Other allegations concerning the illegal detention of individuals by CDF in Kabala, Koinadugu District, are under investigation.

64. Following up on reports received from local villagers, UNAMSIL confirmed the existence of mass graves in the Masimera and Maforki chiefdoms in Port Loko District in October and November, respectively. The Mission has proposed to the Government methods and protocols for the preservation of the sites for further investigation by competent authorities.

65. UNAMSIL opened a second regional human rights office in the northern provincial capital of Makeni on 25 September. Three human rights officers have been deployed to the office. There are currently 15 human rights officers assigned to the Mission. The recruitment process for additional human rights monitors is under way, in consultation with the Office of the United Nations High Commissioner for Human Rights.

Child protection

66. Since the beginning of the year, a total of 3,834 children, including 241 girls, have been released by the armed groups. The children were handed over to UNICEF-supported child protection agencies for rehabilitation and reunification. As more RUF-controlled areas are disarmed, reunification of children with their families has accelerated in the northern and eastern provinces. An international non-governmental organization, the International Rescue Committee, has established an interim care centre in Kono District to provide protection services to more than 600 separated children and demobilized child combatants. However, I remain concerned about the low percentage of girls released.

Truth and Reconciliation Commission

67. UNAMSIL continued to conduct a sensitization campaign on the Truth and Reconciliation Commission throughout the country. The United Nations High Commissioner for Human Rights and my Special Representative have completed the process of selecting the four national and three international members of the Commission, whose names will be forwarded to President Kabbah for his approval.

68. The budget for the planned 15 months of operation of the Commission is estimated at $8.5 million. The High Commissioner for Human Rights intends to dispatch a mission to Freetown in January 2002 to determine what contribution the Government of Sierra Leone can make, before she launches a special appeal for contributions to the Trust Fund for the Truth and Reconciliation Commission. The Commission is expected to commence operations in the first half of 2002.

Special Court

69. After reaching an agreement in principle on the draft Agreement on the Establishment of a Special Court for Sierra Leone and the statute annexed thereto (S/2000/915, annex), the Government of Sierra Leone sought to revert to the question of the temporal jurisdiction of the Court with a view to extending it back to 1991. Following consultations held between the Office of Legal Affairs and the Government, the Government has, however, agreed to conclude the Agreement without any change in the temporal jurisdiction as originally agreed. Formal confirmation of the Government's acceptance is expected shortly.

70. As of 5 December 2001, the Secretariat has received contributions in the amount of $14.8 million for the first year of operation, and pledges in the amounts of $13 million and $7.4 million for the two subsequent years. Thus there is still a shortfall of $1.4 million for the first year and approximately $19.6 million for the two subsequent years.

71. It has been the understanding of the Security Council and the Secretariat that the implementation of the Agreement on the Establishment of a Special Court for Sierra Leone would commence only after it could be ascertained that sufficient contributions were in hand to finance the establishment of the Court and

12 months of its operation, and pledges equal to the anticipated expenses for the following 24 months. However, as I am convinced of the political will of Member States and their commitment to the success of the Special Court, I have taken the decision to authorize preparations for the operation of the Special Court beginning with the dispatch of a planning mission to Freetown from 7 to 18 January 2002.

72. The purpose of the planning mission will be to discuss with the Government of Sierra Leone the practical arrangements for the establishment and operation of the Special Court, including premises, the provision of local personnel and services, and the launching of the investigative and prosecutorial process. The mission will be led by the Office of Legal Affairs and will be composed of experts in all aspects of the operation of the Court, as well as representatives of the members of the Management Committee.

VIII. Internally displaced persons and refugees

73. There are currently an estimated 510,000 Sierra Leonean refugees in the subregion, with some 200,000 in Guinea and Liberia, while within Sierra Leone 247,590 are internally displaced. As of October 2001, UNHCR has registered nearly 60,000 returnees in Sierra Leone while thousands of others have spontaneously returned, mainly to the Kambia, Kailahun and Kono districts. In addition, as of November 2001, an estimated 35,000 refugees have returned spontaneously to the Kambia District while elsewhere in the country there have also been reports of high levels of spontaneous returns. UNHCR has indicated that plans are in hand to assist in the increased voluntary repatriation of the refugees.

IX. Enhancing the effectiveness of the Mission

74. UNAMSIL has continued to take measures aimed at enhancing its overall operational effectiveness. The Mission's working group on policy and planning, established in February 2001, has been considering critical issues and challenges affecting UNAMSIL and preparing recommendations for consideration by the Mission's leadership.

75. The Secretariat and my Special Representative have continued to hold regular consultations with the troop-contributing countries. My Special Representative has also maintained regular contacts with the Chairman of ECOWAS, President Konaré of Mali, as well as other leaders in the subregion, including President Obasanjo of Nigeria. Such contacts have led to their increased support for the political initiatives that UNAMSIL has undertaken. The Mission has also dispatched regular military liaison missions to Guinea to discuss troop deployments in areas close to the Guinean border.

76. In order to ensure more effective coordination of disarmament activities and a more active role in supporting the reintegration of ex-combatants, UNAMSIL has set up a multidisciplinary Disarmament, Demobilization and Reintegration Coordination Section. The section liaises with the National Commission for Disarmament, Demobilization and Reintegration and coordinates the activities of all components of the Mission that have a role in disarmament and reintegration activities.

77. Training and briefing programmes have been developed for all civilian and military personnel of UNAMSIL in the fields of health, human rights, gender sensitivity, child protection and rules of engagement, as well as on the mandate of the Mission. Special meetings have also been held with all international and national staff to keep them informed of developments in the Mission's operations.

78. The appointment in June 2000 of a Deputy Special Representative for Management and Operations has resulted in improvements in the management, logistic support and coordination of the Mission. The military and civilian integrated support service has been reinforced and reliable communications and electronic support facilities have been established throughout the Mission's area of operation. The self-sustainment and wet-lease arrangements with troop-contributing countries have been reviewed and their application made more flexible in order to ensure that contributors that are not immediately in a position to fully meet the established standards of self-sustainment are assisted by the Mission. Joint UNAMSIL/Secretariat evaluation teams have been set up to conduct pre-deployment assessments of new contingents. This procedure has facilitated the early identification of equipment deficiencies prior to the deployment of contingents to the Mission area.

79. In addition, the appointment in March 2001 of a second Deputy Special Representative with specific responsibilities for governance and stabilization has similarly strengthened the Mission's capacity to focus attention on peace-building, including the elections, as an essential complement to its peacekeeping role. This Deputy Special Representative also serves concurrently as Resident Coordinator, Humanitarian Coordinator and Resident Representative of UNDP, thus bringing the various elements of the United Nations system together in support of common humanitarian and development goals and ensuring a more effective sharing of resources and information.

X. Economic developments

80. The continuing improvement in the security situation, greater freedom of movement of people and goods, and increased resettlement and reconstruction activities have imparted considerable momentum to the recovery of economic activity that began in 2000, when the gross domestic product (GDP) of Sierra Leone increased 3.8 per cent. Preliminary data indicate that real GDP growth will accelerate to close to 6 per cent in 2001. There has been growing investor and consumer confidence as a result of the progress made in the peace process.

81. Power supply, while still severely constrained, improved significantly during 2001. Agricultural output is also beginning to increase. External aid flows financed a large recovery in imports and further contributed to the growth of domestic commerce and overall economic activity. At the same time, the Government continued to pursue sound fiscal and monetary policies. As a result, annual inflation has decreased throughout the year.

82. In September 2001, the Government presented its Interim Poverty Reduction Strategy Paper to the World Bank and the International Monetary Fund. On the basis of its improved macroeconomic performance, progress in implementing institutional and structural reforms, and the strategy articulated in the paper, the Boards of the Bank and the Fund agreed that Sierra Leone has met the eligibility criteria for access to debt relief under the enhanced Heavily Indebted Poor Countries (HIPC) Initiative. As a result, it is expected that Sierra Leone could qualify for interim HIPC debt relief by the end of the first quarter of 2002. In October 2001, Sierra Leone was granted external debt relief by the Paris Club on Naples terms, which reduced its outstanding debt to the Paris Club from $180 million to $45 million.

XI. Financial aspects

83. I have submitted detailed budget proposals for UNAMSIL for the 12-month period from 1 July 2001 to 30 June 2002 (A/56/487) totalling $722,134,800 gross, including the amount of $275 million gross already authorized under the terms of General Assembly resolution 55/251 B of 14 June 2001, for the maintenance of the Mission for the period from 1 July to 31 December 2001. The proposals do not include resources for the electoral process. The Advisory Committee on Administrative and Budgetary Questions in its related report (A/56/621) has recommended an amount of $692.0 million gross for the UNAMSIL budget, which is currently before the General Assembly for consideration.

84. Therefore, should the Security Council approve my recommendations in connection with the elections contained in paragraphs 32 to 62 above, the additional requirements for the electoral component of UNAMSIL will be sought from the General Assembly at its current session, if necessary.

85. As at 15 November 2001, unpaid assessed contributions to the special account for UNAMSIL amounted to $317.1 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,098.7 million.

XII. Observations

86. The peace process in Sierra Leone has reached an important juncture. A secure environment with increased freedom of movement, gradual returns of refugees, as well as a resurgence of economic activity in the provinces, is emerging as a result of the full deployment of UNAMSIL and the progress achieved in disarmament. At the same time, some important steps towards sustainable peace and stability are lagging behind, particularly the extension of Government's authority throughout the country, the reintegration of disarmed combatants, as well as the return and resettlement of refugees and internally displaced persons. While the forthcoming elections present another opportunity to consolidate the peace process,

the months leading up to the elections could be fraught with risks that may create tensions if the electoral process is not transparent and credible. The prevailing situation therefore calls for continued vigilance, as well as the concerted efforts of all concerned, to ensure that the elections are a success.

87. It is encouraging to note that the disarmament process is expected to be completed in the coming few weeks, if the parties remain committed to fulfilling their undertakings. Regrettably, RUF has slowed down the disarmament of its combatants in the two remaining districts, which raises questions about its intentions. I therefore urge the leadership of RUF to use the established mechanisms for dialogue, in particular the Joint Committee on Disarmament, to resolve any outstanding concerns they may have.

88. In the meantime, it will be necessary to carry out a comprehensive assessment of the credibility and effectiveness of the disarmament and demobilization process in the weeks following its completion. In this regard I commend the parties for agreeing to a programme to collect illegal weapons from the general populace and shotguns from the armed groups, which had been excluded from the disarmament process.

89. The limited availability of reintegration opportunities for ex-combatants, as a result of inadequate funds, remains a source of serious concern. The large numbers of additional combatants that have come forward to disarm will further complicate the challenges of reintegration. The recent clashes among disarmed fighters in Kono District and the protests in Freetown are a reminder that the months ahead could be fraught with tensions if the needs of the reintegration programme are not addressed urgently. Once again, I appeal to Member States to contribute generously to the World Bank-managed Multi-Donor Trust Fund for Disarmament, Demobilization and Reintegration. The Government of Sierra Leone should also intensify its efforts in creating reintegration opportunities for the ex-combatants.

90. The principal objective of the deployment of UNAMSIL throughout the country remains to facilitate the Government's efforts to restore State authority, as well as law and order in the entire territory of Sierra Leone. The gains achieved through UNAMSIL deployment and the disarmament process therefore need to be matched by commensurate progress in restoring the Government's authority in areas formerly controlled by RUF. In this regard, the setting of a target date for completing the restoration of State administration in all districts in March 2002 is a welcome step. However, this important goal will be difficult to achieve unless the Government receives additional capacity-building support.

91. The ownership and leadership of the May 2002 elections belong to the relevant institutions of Sierra Leone, in particular the National Electoral Commission, which is responsible for organizing and conducting the elections. It is for these national institutions to ensure that the elections are free, fair, transparent and credible. The role of the United Nations and other international partners will be to provide support that will enhance the National Electoral Commission's capacity to organize and conduct the elections and to contribute to the creation of an environment conducive to the conduct of elections. In this regard, I commend the International Foundation for Electoral Systems and the Commonwealth for the early assistance they extended to the National Electoral Commission to strengthen its technical capacity.

92. In order to minimize the risks that accompany the electoral process, the National Electoral Commission must act expeditiously to address the outstanding concerns described above. In particular, it should maintain a continuous dialogue with all parties so as to ensure the transparency of the process and maintain a level playing field. The Sierra Leone police need to enhance their capacity to provide security for the polling stations. Sierra Leonean NGOs and civil society groups could also play an important role in enhancing the transparency and credibility of the elections. In this regard, these organizations could undertake more civic education and field local electoral observers both before and during the elections.

93. All political parties in Sierra Leone should be given a fair chance to compete in the elections. In this connection, I welcome the assistance that the National Democratic Institute, the Forum for Democratic Initiative and other international organizations continue to provide to all political parties. I also commend the Government of Nigeria for its contribution to the transformation of RUF into a political party.

94. Although the elections are an important watershed in Sierra Leone's quest for sustainable peace, they will not by themselves provide the final

solution to the crisis in the country. In the post-electoral period, several crucial elements of the crisis will require close attention, in particular the viability of State institutions and the ability of the Government to assume responsibility for the country's security. The ultimate goal of the efforts of the international community in Sierra Leone must be to leave behind well-established State institutions throughout the country, as well as security agencies that are capable of defending the country from both internal and external threats. It will therefore be important for the United Nations to remain adequately engaged in Sierra Leone after the elections, in order to protect the gains achieved.

95. Other major post-electoral challenges will include assisting Sierra Leone on rehabilitating its infrastructure, supporting national reconciliation and addressing impunity and accountability, as well as in resettling returnees and internally displaced persons. These areas will require substantial amounts of resources from the international community. I am confident that, given the efforts already invested in Sierra Leone, the international community will not leave the job half done.

96. The situation in the subregion, in particular within the Mano River Union (MRU), equally deserves sustained attention. It will be difficult to safeguard the achievements in Sierra Leone without stability in the MRU neighbourhood. It would therefore be important to support the promising dialogue that has been opened among Guinea, Liberia and Sierra Leone and encourage them to convene, as early as possible, the summit meeting proposed by their respective Foreign Ministers. It is my hope that such a summit will develop a solid political framework for addressing the pressing issues affecting the subregion, in particular the disarmament of the still numerous armed groups.

97. I should like to thank all troop-contributing countries that have made it possible for UNAMSIL to achieve its full strength and deploy throughout Sierra Leone. I also wish to pay tribute to the United Nations peacekeepers who lost their lives in the service of peace in Sierra Leone during the period under review.

98. In conclusion, I wish to commend the people and Government of Sierra Leone, my Special Representative, and all UNAMSIL military and civilian personnel for the progress accomplished during the reporting period. I would also like once again to express my appreciation to ECOWAS, as well as to the donors and national and international NGOs for their unwavering support to the peace process in Sierra Leone.

Annex

United Nations Mission in Sierra Leone: contributions as at 13 December 2001

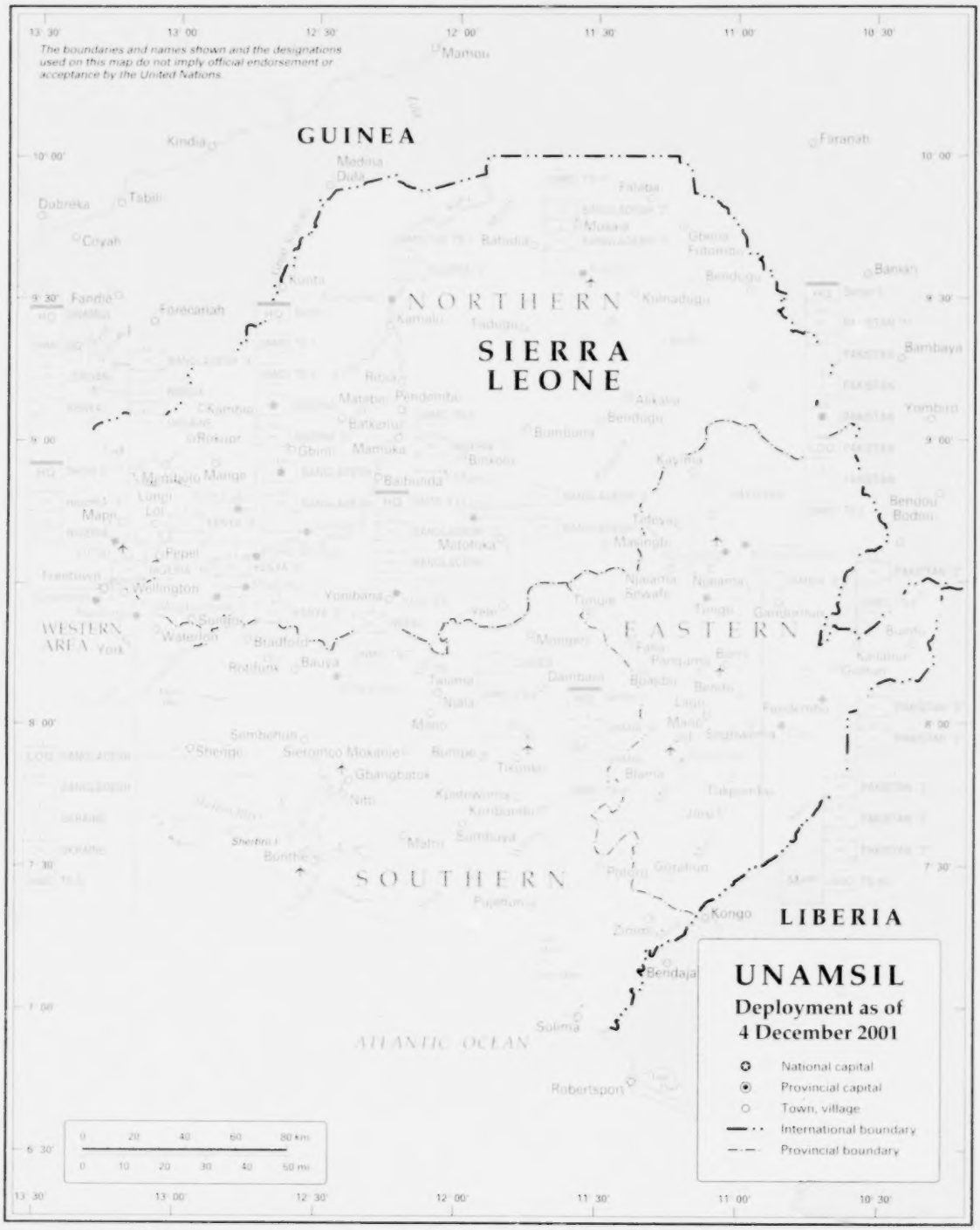
Authorized strength: Military: 17,500 (up to 260 military observers)
Civilian police: 60

	Military observers	*Staff officers*	*Troops*	*Sector HQ staff*	*Total*
Bangladesh	12	19	4 180	65	4 276
Bolivia	6				6
Canada	5				5
China	6				6
Croatia	10				10
Czech Republic	5				5
Denmark	2				2
Egypt	10				10
France	1				1
Gambia	24				24
Ghana	6	10	850	58	924
Guinea	12	5	776		793
Indonesia	10				10
Jordan	10	2	118		130
Kenya	11	17	992	63	1 083
Kyrgyzstan	2				2
Malaysia	10				10
Mali	8				8
Nepal	10	2	797		809
New Zealand	2				2
Nigeria	10	20	3 222	65	3 317
Pakistan	10	10	4 204	50	4 274
Russian Federation	15	5	109		129
Slovakia	2				2
Sweden	3				3
Thailand	5				5
Ukraine	5	5	618		628

	Military observers	*Staff officers*	*Troops*	*Sector HQ staff*	*Total*
United Kingdom of Great Britain and Northern Ireland	15	8			23
United Republic of Tanzania	12				12
Uruguay	11				11
Zambia	10	4	815	5	834
Total	**260**	**107**	**16 681**	**306**	**17 354**

Force Commander: Kenya; District Force Commander: Nigeria; Chief Military Officer: Pakistan

Civilian police: Bangladesh: 7; Canada: 2; Gambia: 2; Ghana: 6; India: 2; Jordan: 3; Kenya: 5; Malaysia: 3; Nepal: 5; Niger: 2; Nigeria: 3; Norway: 3; Senegal: 3; Sri Lanka: 2; United Republic of Tanzania: 1; Zambia: 4; Zimbabwe: 4; Total: 57.



Map No. 4132 Rev. 16 UNITED NATIONS
December 2001

Department of Public Information
Cartographic Section

United Nations S/2001/1196

Security Council

Distr.: General
13 December 2001

Original: English

Sixth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains and every six months on the return of all Kuwaiti property, including archives, seized by Iraq. The present report covers both issues and provides a brief account of the relevant developments since my last reports (S/2001/582 and S/2001/796).

II. Repatriation or return of all Kuwaiti and third-country nationals or their remains

A. Background

2. It will be recalled that, in the course of 2001, the High-level Coordinator, Ambassador Yuli M. Vorontsov, provided an oral report to the Security Council on his activities relating to this matter on 20 April and I submitted my fifth report on 15 August 2001 (S/2001/796).

3. On 21 August 2001, the Coordinator introduced my fifth report pursuant to paragraph 14 of resolution 1284 (1999) of the Security Council on the repatriation or return of all Kuwaiti and third-country nationals or their remains. During informal consultations, Council members pointed out that they continued to be united on this humanitarian issue, which should be maintained on the agenda of the Council without it being politicized. Members of the Council also noted that any new initiatives of the League of Arab States and the Organization of the Islamic Conference should be welcomed and should supplement the efforts of the International Committee of the Red Cross (ICRC). The Tripartite Commission was considered to be the main mechanism established for the resolution of the fate of the missing persons. Council members emphasized that the efforts of the Coordinator should be continued, although it was noted that his activities would not be productive without the cooperation of Iraq. An effective dialogue of all parties concerned could enable the Council to find a way out of the ongoing impasse.

4. The statement to the press by the President of the Security Council emphasized that the members of the Council had expressed once again their unanimous support for the work of Ambassador Vorontsov for his efforts to bring this matter to a satisfactory conclusion. They had expressed deep concern at the continuing plight of the missing Kuwaiti and third-country nationals and their families, and expressed their hope that the issue would continue to be dealt with as a strictly humanitarian one by all sides concerned. Further, they had stressed the importance of dialogue amongst all parties, including ICRC and the Tripartite Commission, and had urged Iraq to cooperate fully with the Coordinator in fulfilling his mandate, as set out in Security Council resolution 1284 (1999) and with all other agencies and bodies dealing with the issue.

5. The Minister for Foreign Affairs of Iraq, Naji Sabri, reportedly addressed a letter in mid-August to the Secretary-General of the Arab League, Amre Moussa, in which he welcomed any League initiative

01-69522 (E) 141201

aimed at resolving the issue of missing Iraqis and Kuwaitis and reportedly indicated that Baghdad was ready to hold direct talks with Kuwait on the fate of missing persons. According to the Minister, this humanitarian matter should be resolved through direct contacts between Kuwait and Iraq. Iraq also expressed readiness to work with Kuwait and Saudi Arabia, in order to find a solution to the issue of missing persons.

6. Further to the letter from the Iraqi Minister, for Foreign Affairs the Arab League Secretary-General reportedly stated, on 19 August, that the Iraqi proposal for ending its dispute with Kuwait over the fate of the missing persons, including a request that the Arab League form a committee to investigate the issue, would be reviewed by other members of the League.

7. The Government of Kuwait continues to emphasize that the issue of repatriation or return of all Kuwaiti and third-country nationals or their remains continues to be a central issue to any resolution of the crisis between the two countries. On 24 August 2001, Kuwait reportedly reacted to Iraq's proposal, noting that the issue of the repatriation or return of all Kuwaiti and third-country nationals must be discussed within the framework set out in Security Council resolutions. At the same time, Kuwait reportedly took note of the remarks of Iraq's Foreign Minister, in which he announced Baghdad's readiness to hold direct talks with Kuwait on the fate of the Kuwaitis missing since the Gulf War.

8. The Minister of Information of Iraq, Muhammad Said Al-Sahaf, denounced Kuwait for not accepting Baghdad's proposal to establish an Arab League committee to follow up the issue of missing persons. Responding to this statement, the Information Minister of Kuwait, Sheikh Ahmad Al-Fahad Al-Sabah, accused Iraq of trying to politicize the issue. The State Minister for Foreign Affairs of Kuwait, Sheikh Mohammed Sabah Al-Salem Al-Sabah, has welcomed any Arab efforts that might persuade Iraq to abide by United Nations resolutions concerning the plight of Kuwaiti prisoners of war.

9. Minister Naji Sabri, while addressing the meeting of the Arab Foreign Ministers in early September, called for Arab League intervention on the issue of missing persons. He also renewed Iraq's appeal for resolving the matter among Kuwait, Iraq and Saudi Arabia within the Arab League. Foreign Ministers reportedly rejected Iraq's request to include the issue of missing persons in the agenda of the sixteenth session of the Arab Ministerial Council. The Ministers recommended that the Secretary-General of the Arab League submit a report on the issue to King Abdullah of Jordan, who was authorized to deal with the file at the last Arab Summit. The Foreign Ministers of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates urged Iraq to release Kuwaiti prisoners and to return Kuwait's property, including archives.

10. On 12 September 2001, the Permanent Representative of Bahrain transmitted to me the press communiqué of the eightieth session of the Ministerial Council of the Cooperation Council for the Gulf Arab States, held at Jeddah, Saudi Arabia, on 7 and 8 September 2001 in which, inter alia, the Council renewed its call to Iraq to discharge in full its obligations under the Security Council resolutions relating to cooperation with ICRC, the United Nations high-level Coordinator and the Tripartite Commission in devising an expeditious and definitive solution to the problem of Kuwaiti and third-country prisoners and detainees and the return of all Kuwaiti property in its possession (see A/56/362-S/2001/871).

11. On 4 September 2001, the Director-General of the National Committee for Missing Persons and Prisoners of War Affairs of Kuwait, Rabea Al-Adsani, has refuted Iraqi allegations that hundreds of Kuwaiti and third-country nationals were released from Iraqi detention camps. He said that the Iraqi claims were totally untrue because, since December 1998, Iraq had been boycotting the meetings of the Tripartite Commission.

12. The Special Rapporteur of the Commission on Human Rights, Andreas Mavrommatis, continued to follow developments with regard to Kuwaiti prisoners of war and persons unaccounted for, as well as missing Iraqis. In his report on the situation of human rights in Iraq (A/56/340), it is stressed that, irrespective of the validity or otherwise of any arguments by the Government of Iraq not to participate in the work of the Tripartite Commission, there can always be alternative methodologies, such as indirect, proximity or parallel efforts to solve an urgent humanitarian issue, such as the one in question. In this regard, the Special Rapporteur welcomes information to the effect that a "parallel approach" in respect to the missing Kuwaitis has been initiated recently. Mr. Mavrommatis urged all concerned to redouble their efforts and

investigate thoroughly all information available on the question of Kuwaiti prisoners of war or persons unaccounted for since the Iraqi occupation of Kuwait. The Special Rapporteur also noted that the same should apply to all cases of missing persons, including those Iraqis missing during the same time, as well as those expelled in the 1980s.

13. On 17 October 2001, the Permanent Representative of Iraq to the United Nations transmitted to the Secretary-General a response of the Government of Iraq (A/C.3/56/4) to the reports of the Special Rapporteur[1] in which, inter alia, it was noted that the Government of Iraq had cooperated with ICRC, believing that the question of missing persons, regardless of their nationality, was a humanitarian issue. The reply also indicated that Iraq had approached with all seriousness all of the impartial initiatives proposed to resolve the matter of the missing Iraqis, Kuwaitis and Saudis and missing persons of other nationalities with the aim of searching for them and establishing their fate and welcomed the initiatives of the League of Arab States to resolve this humanitarian issue in 1991, 1994 and 1999. It was also recalled that the Government of Iraq had proposed a new initiative in a letter dated 16 August 2001 addressed to the Secretary-General of the League of Arab States, in which it had expressed its desire for the League to play a part in helping to resolve this humanitarian issue.

14. The Third Committee of the General Assembly approved a draft resolution (A/C.3/56/L.57), in paragraph 4 (j) of which the Assembly called upon the Government of Iraq to cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals to cooperate with the high-level Coordinator of the Secretary-General for Kuwaitis and third-country nationals and Kuwaiti property.

15. On 31 October 2001, Minister for Foreign Affairs Naji Sabri reiterated that Iraq was ready to cooperate with Kuwait and Saudi Arabia to solve the issue of missing persons. He reportedly stated that Iraq was trying through its embassies and representatives abroad to convince officials in Kuwait and Saudi Arabia to cooperate with Iraq to solve this humanitarian issue, and that Iraq would also accept any Arab initiative to discuss this humanitarian issue through bilateral cooperation and direct contact.

16. The Tripartite Commission met in Geneva on 1 November 2001 without Iraqi representatives. The High-level Coordinator was informed that the members represented were briefed, inter alia, on the cases of the Saudi pilot, Colonel Mohammad Salih Nazirah, as well as the United States Navy pilot, Michael Scott Speicher. As to the Saudi pilot, it was noted that the competent authorities had confirmed his death on the basis of laboratory analysis results. The file of the pilot would be considered closed at a formal meeting of the Commission with all members present. It was pointed out that many problems had been resolved as a result of cooperation between Iraq, Saudi Arabia and ICRC, in accordance with the temporary parallel approach, as well as the flexibility displayed by the other members of the Commission. In the case of the United States Navy pilot, the need to receive answers to outstanding questions, as part of the beginning of a dialogue on this case, was stressed. Thus, the response received from Iraq constituted such a beginning. As to the sensitive issues of a parallel approach, the importance of the confidentiality of ICRC was highlighted.

17. It will be recalled that, in his letter dated 17 August 2001 (S/2001/804), addressed to me, Minister for Foreign Affairs of Iraq, Naji Sabri, reiterated Iraq's willingness to cooperate with ICRC, which he characterized as an impartial international body. The represented members of the Tripartite Commission during the meeting in Geneva took note of this letter, in which it was also stated that three States of major international standing, namely, China, India and the Russian Federation, should participate in the work of the Tripartite Commission. The members reportedly agreed to discuss this proposal within the Commission with the participation of Iraq.

B. Recent activities with regard to repatriation or return of all Kuwaiti and third-country nationals or their remains

18. During the reporting period, I continued to raise this issue, inter alia, with representatives of Member States and heads of international organizations. On 7 June, I discussed it with the President of ICRC, Dr. Jacob Kellenberger; on 19 September with the Acting

Prime Minister and Minister for Foreign Affairs of the State of Kuwait, Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah; on 26 October with the Secretary-General of the League of Arab States, Amre Moussa; and on 14 November with the Minister for Foreign Affairs of Iraq, Naji Sabri.

19. In pursuance of his mandate, the Coordinator maintained close contacts with the leadership of the League of Arab States and the Organization of the Islamic Conference (see A/56/474, para. 3, and A/56/398, para. 8).

20. On 15 August, the Coordinator addressed letters to the Permanent Representatives of Bahrain, Egypt, India, the Islamic Republic of Iran, Lebanon, Oman, the Syrian Arab Republic and Saudi Arabia, in which he provided information on their nationals who are yet to be repatriated, or their remains returned.

21. During the General Debate of the General Assembly, held in New York from 10 to 16 November, the Coordinator met with Sheikh Sabah Al-Ahmed Al-Jaber Al-Sabah, Acting Prime Minister and Minister for Foreign Affairs of Kuwait; Amre Moussa, Secretary-General of the League of Arab States; Kamal Kharrazi, Minister for Foreign Affairs of the Islamic Republic of Iran; Igor Ivanov, Minister for Foreign Affairs of the Russian Federation; Mahmoud Hammoud, Minister for Foreign Affairs of Lebanon; and Ambassador John B. Richardson, Head of the Delegation of the European Commission to the United Nations, with a view to further intensifying efforts aimed at the resolution of the humanitarian issue of the repatriation or return of all Kuwaiti and third-country nationals, or their remains, and the return of all Kuwaiti property, including archives, seized by Iraq. All the interlocutors of Ambassador Vorontsov stressed that it was most unfortunate that Iraq was still refusing to meet with him because of its well-known attitude towards Security Council resolution 1284 (1999).

22. Kuwaiti Acting Prime Minister and Minister for Foreign Affairs, Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, while addressing the General Assembly at its fifty-sixth session, called upon the Security Council to exert pressure on Baghdad to fulfil all its obligations, including the return of prisoners of war and missing persons. In his meeting with the Coordinator, he expressed disappointment about the fact that very little results had been reached on the determination of the fate of the Kuwaiti and third-country nationals. He reiterated Kuwait's position that it would allow an Iraqi delegation, accompanied by ICRC, to visit Kuwaiti prisons, on the condition that, prior to such a visit, Iraq would have started to cooperate on the issue of the repatriation or return of all Kuwaiti and third-country nationals, or their remains (see also S/2001/1188).

23. The Secretary-General of the League of Arab States reminded the Coordinator that the humanitarian issue of the missing persons was the focus of attention of the League of Arab States, which fully supported his mission. Mr. Moussa expressed the hope that the activities of Ambassador Vorontsov would facilitate the repatriation or return of all Kuwaiti and third-country nationals, or their remains. The Secretary-General and the Coordinator agreed to remain in constant contact for further exchange of information and views on the subject.

24. I received a letter addressed to me by the Acting Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah (S/2001/1188) in which it was noted that a solution to the issue of the Kuwaitis and third-country nationals detained in Iraq could not be further delayed. According to the letter, all appropriate mechanisms to resolve this issue, such as the Tripartite Commission and its Technical Subcommittee, ICRC, the Secretary-General of the United Nations and the dialogue that commenced in February 2001, and the High-level Coordinator, already exist.

25. During the reporting period, publicly available information on the issue of prisoners of war and missing persons has been collected and analysed. Such information sources include newspaper articles, such as the one in *The New York Times* dated 12 November 2001, and other published material.

III. Return of all Kuwaiti property, including archives, seized by Iraq

A. Background

26. On 20 June 2001, the Coordinator introduced my fourth report (S/2001/582) to the Security Council, noting that there had been no progress made regarding the return of the Kuwaiti property. Ambassador Vorontsov reaffirmed his readiness to travel to Baghdad in order to facilitate the return of archives and military equipment, as well as other items belonging to

Kuwait. Members of the Council, in their interventions, pointed out, inter alia, that it was legitimate for Kuwait to demand the return of the national archives. They noted that the return of the national archives would be an important signal of the willingness of Iraq to cooperate on the issue. Council members reiterated their disappointment that there had been no tangible progress and called upon the Government of Iraq to cooperate fully with Ambassador Vorontsov. They supported further exploration of pragmatic approaches for identifying modalities for the return of Kuwaiti property. The Coordinator of the Caucus of the Movement of Non-Aligned Countries noted that the caucus had emphasized the return of the Kuwaiti national archives and welcomed the personal efforts of the Secretary-General in this regard. All these elements were reflected in the statement to the press by the President of the Security Council.

27. It will be recalled that the Coordinator, while introducing my fifth report (S/2001/796) to the Security Council on 21 August 2001, referred to the two letters from the Minister for Foreign Affairs of Iraq, Naji Sabri (S/2001/804 and S/2001/809). The Foreign Minister had stated, inter alia, that my report quoted in a distorted manner some of the statements made during the open meeting of the Security Council on 26 and 28 June 2001. In particular, the Iraqi side claimed that, in the text of one of the speeches, reference to property was deleted, thereby deliberately "perverting" the text and its context. It should be noted that the report referred to above (S/2001/796) was devoted to the issue of the repatriation or return of all Kuwaiti and third-country nationals or their remains and, therefore, did not address the issue of Kuwaiti property.

28. During the open meeting of the Security Council, on 26 and 28 June 2001, members of the Council and representatives of Member States referred, inter alia, to the important issue of the return of all Kuwaiti property, including archives, seized by Iraq. According to their statements, "the issue of ... the loss of property should be properly resolved at an early date. ... In accordance with the relevant provisions of international law, Iraq is obliged to cooperate by identifying and returning to Kuwait the ... Kuwaiti property" (China); "a comprehensive solution ... would facilitate a final settlement of pending issues such as ... Kuwaiti property" (Tunisia); "we fail to understand why the required transparency with regard to ... stolen property cannot be achieved through cooperation with the United Nations" (Norway); "Iraq must, once and for all, close its painful chapter in relation to Kuwait, by ... returning its historical and cultural heritage, including Kuwaiti archives ..." (Mauritius); "Iraq has failed to account for property seized in Kuwait, including the national archives, which represent the memory of the country" (Mali); "after more than a decade, Kuwait continues to be deprived of the sense of closure on this issue that the return of key Kuwaiti property seized by Iraq could bring" (Singapore); "we urge Iraq to return Kuwaiti cultural property" (Jamaica); "It calls on the Government of Iraq to cooperate fully with the high-level Coordinator in order to resolve matters pending in this file and to restore all property seized, especially the national archives and other official Kuwaiti documents, as well as Kuwaiti military equipment" (Kuwait); "not less important is the need to facilitate the return of Kuwait's national archives and other property that was taken out of Kuwait" (Malaysia); "the Security Council must be prepared to lift the embargo against Iraq when ... the issue of ... Kuwaiti properties are resolved" (Bahrain); "it is of the utmost urgency that there be a return to an appropriate dialogue ... on property that had been removed" (Italy); and "... the need for the return of Kuwaiti properties to Kuwait in a practical framework agreed upon fundamentally between the two parties, Iraq and Kuwait, so that deliberations on these issues may have a political and humanitarian framework, thus leading to a solution" is stressed (Syrian Arab Republic) (see S/PV.4336 and S/PV.4336 (Resumption 1)).

29. The Under-Secretary for Foreign Affairs of Iraq, Dr. Riyad Al-Qaysi, stated at the same meeting of the Security Council that "Iraq has returned all the Kuwaiti properties that it could find, and has pledged to return any other material that may be found in the future" (see S/PV.4336, Resumption 1).

B. Recent activities with regard to the property issues

30. During the reporting period, the Coordinator met with the Executive Secretary of the Compensation Commission, Rolf G. Knutsson, in New York on 23 October 2001 and discussed the problem of the return of the Kuwaiti property, including its financial aspects. During his trip to Cairo in June, the Coordinator had also raised the property issue in his discussions, in

particular, with the Secretary-General of the League of Arab States, Amre Moussa, the Minister for Foreign Affairs of Egypt, Ahmad Maher and Ambassador Soliman Awaad of the Ministry of Foreign Affairs of Egypt. Ambassador Vorontsov maintains regular contact on the issue with his interlocutors in Kuwait.

IV. Observations

31. In my annual report on the work of the Organization,[2] I noted that Iraq had continued its approach of non-cooperation with the High-level Coordinator. It is most unfortunate that since the issuance of that report there has been no change in the Iraqi position (see also S/2001/715). I should like to take this opportunity to reject the groundless and inaccurate claims concerning the Coordinator and the Secretariat contained in communications received from the Iraqi side earlier this year (see S/2001/809). Such claims are counterproductive for the resolution of long-standing humanitarian issues.

32. Once again, I strongly urge the Iraqi leadership to reconsider its current policy regarding the Coordinator. As I have stated on a number of occasions, he can only achieve what he is mandated to accomplish if Iraq changes its position. In this connection, the Coordinator remains ready, at short notice, to meet with Iraqi officials, at any time and at any place. It is my strong conviction that a dialogue between the Government of Iraq and Ambassador Vorontsov would bring positive results in the search for a solution to the humanitarian issues with which he has been entrusted.

33. It would be helpful if Iraq were to abandon its stance of declaring no knowledge of the whereabouts and fate of the Kuwaiti and third-country nationals who were arrested and deported more than 11 years ago. It must adopt a constructive position of cooperation on the repatriation or return of those persons or their mortal remains. Iraq's stated intention to continue to cooperate with ICRC should be welcomed, and I very much hope that words will be met by deeds.

34. As to the property issue, it is most regrettable that, during the past two years, not a single item has been returned to Kuwait. The most disturbing aspect in this regard remains Iraq's refusal to address the issue of the national archives of Kuwait. I sincerely hope that the Iraqi leadership will reassess its negative attitude, with a view to bringing this matter to a satisfactory closure for all concerned.

35. I wish to reiterate my gratitude to the members of the Security Council for their continued unanimous support for the efforts of the Coordinator, as well as to the efforts by the League of Arab States and the Organization of the Islamic Conference. The combined efforts of the international community demonstrate a determination to achieve a satisfactory solution of these issues on humanitarian grounds.

Notes

[1] E/CN.4/2001/42 and A/56/340.

[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 1* (A/56/1).

United Nations S/2001/1197

Security Council

Distr.: General
13 December 2001
English
Original: French

Letter dated 13 December 2001 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Acting on instructions from my Government, I have the honour to transmit to you herewith the position of the Government of Burundi on the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2001/1072).

I should be grateful if you would have my letter and its annex circulated as a document of the Security Council.

(*Signed*) Marc **Nteturuye**
Ambassador
Permanent Representative

01-69627 (E) 131201 131201

Annex to the letter dated 13 December 2001 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Position of the Government of Burundi on the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo

The Government of Burundi has read the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2001/1072) which supplements the Panel's first report and would like to draw the Security Council's attention to the following:

1. The Government welcomes the Panel's finding that Burundi is completely cleared of all suspicion of illegally exploiting the wealth of the Democratic Republic of the Congo. Paragraph 101 of the addendum to the report states clearly that "the Panel found no evidence directly linking the presence of Burundi in the Democratic Republic of the Congo to the exploitation of resources." It goes on to state in that same paragraph that the presence of the Burundian army on the lake frontier with the Democratic Republic of the Congo "has been and continues to be directed at blocking attacks from the Burundi rebel groups, particularly FDD [Front pour la défense de la démocratie], which are based in South Kivu and Katanga." The report therefore confirms what the Government of Burundi had always stated and what all observers of good faith knew.

2. During the meeting of the Security Council on the Panel's first report, the delegation of Burundi questioned the existence of an International Monetary Fund (IMF) memorandum referring to the export by Burundi of minerals that it did not produce. Fortunately, the Panel's new report confirms our misgivings: in paragraph 102, the Panel states that it "contacted the Africa Department of IMF, requesting a copy of [the] memorandum" but that "the Panel has not been able to obtain a copy of it."

3. Despite this clear and unambiguous clarification from the Panel, the Government of the Democratic Republic of the Congo continues, as a matter of ritual, to cite Burundi as one of the countries engaged in pillaging Congolese natural resources. This does little to conceal the new report's revelations — which are embarrassing to the authorities of the Democratic Republic of the Congo — regarding the presence of FDD and FNL [Forces nationales pour la libération] groups on Congolese territory and the military assistance they are receiving from the Government of the Democratic Republic of the Congo and some of its allies.

4. Indeed, in paragraph 136 of its new report the Panel states that "Zimbabwe and the Government of the Democratic Republic of the Congo supply arms to the FDD rebels. ... The officers and non-commissioned officers are also trained ' the Zimbabwean army ... in Lubumbashi. In exchange, FDD forces, acting essentially as mercenaries, fight alongside the Mayi-Mayi and ALIR forces ... ." Later on, in paragraph 138, its states that "The head of FDD, Jean Bosco Ndayikengurukiye, is based in Lubumbashi. He is rumoured to control or own mining interest in the Katanga region, the profits from which he uses to cover some of his senior officers' expenses."

5. The Government of Burundi wishes to point out that this is not the first time that a report requested by the Security Council refers to destabilization of Burundi's security from the territory of the Democratic Republic of the Congo by a regional coalition of genocidal and tribal terrorists. In the report of the International Commission on Inquiry established pursuant to resolution 1013 (1995) on Rwanda (S/1998/777), members of the Commission devoted an entire chapter to describing the ties between the former Forces armées rwandaises (ex-FAR) and the Rwandan Interahamwe with the FDD and FNL of Burundi. The investigation was supported by very useful documents (contained in the report) referring to cooperation agreements signed by these Rwandan and Burundian genocidal terrorists. Burundian police forces also have in their possession information on cooperation between the Ugandan Allied Democratic Forces (ADF) rebels of Jamilu Mukulu and the Burundian FDD-FNL terrorist movement.

6. The Government of Burundi asks the Security Council to act on the findings of the missions of inquiry which it initiated itself, especially at this time when the United Nations is playing a lead role in the peace process in Burundi.

7. It is becoming increasingly clear that the intransigence of the FDD and FNL armed terrorists groups is linked to the now confirmed support that they are receiving from some neighbouring countries. It is time for the Security Council and the international community to directly condemn these armed groups and to hold them responsible for the terrorists acts which they are committing against children, school children, women, the elderly, travellers, foreigners and their property and humanitarian personnel. Burundians believe that there is no difference between the barbaric acts of these killers who fear neither God nor man and those of the Revolutionary United Front (RUF) fighters from Sierra Leone or of the União Nacional para a Independencia Total de Angola (UNITA) of Angola against whom the Council has imposed sanctions which have been extended to the countries and organizations that support them. Moreover, since the Burundian terrorists groups are acting as part of a coalition of regional terrorist and genocidal forces, are using the same methods to kill and are inspired by the same ideology, it would be only natural for the FDD and FNL to be listed, along with the Rwandan Army for the Liberation of Rwanda (ALIR), the Ugandan ADF and the Lord's Resistance Army (LRA), on the list of terrorist organizations published by the Government of one permanent member of the Security Council.

8. The Government of Burundi requests the Security Council, the region, the facilitation team and the entire international community, to focus all their efforts on what is today the highest priority in Burundi, obtaining a total and permanent ceasefire. This can only be done by taking specific measures against those who from within and outside the country fuel the war in Burundi, notwithstanding the Burundian Government's good faith and offers of dialogue.

9. Finally, the Government of Burundi reiterates that it is prepared to pursue a dialogue with all neighbouring countries, in particular the Democratic Republic of the Congo and the United Republic of Tanzania in order to work together to find the speediest means of restoring peace in Burundi, in the Democratic Republic of the Congo and throughout the Great Lakes region.

United Nations A/56/706–S/2001/1198

General Assembly
Security Council

Distr.: General
13 December 2001

Original: English

General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-sixth year

Letter dated 13 December 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

As you are aware, following the devastating carnage in Jerusalem and Haifa on 1 and 2 December 2001, in which 26 Israelis were killed and over 200 injured, the world's attention focused on the Palestinian leadership in an effort to compel it to take the actions it has long resisted taking, namely the arrest of known terrorists and the dismantling of terrorist infrastructure flourishing in its territory.

More than 10 days later, I regret to inform you that the actions of the Palestinian leadership have been wholly inadequate and the campaign of terror has continued virtually unabated. In the past week, 10 Israelis have been killed and approximately 75 others have been wounded in a number of attacks to which I would like to draw your attention.

On Wednesday, 5 December, a Palestinian terrorist blew himself up on a side street adjacent to the David's Citadel Hotel in Jerusalem. The bomb, which exploded prematurely just before 7.30 a.m. (local time), was packed with nails and bolts to inflict maximum injury to innocent bystanders. Two people at a nearby bus stop were injured in the attack and nine others were treated for shock. Islamic Jihad claimed responsibility for the attack.

Four days later, on Sunday, 9 December, more than 40 civilians were wounded when a Palestinian suicide terrorist detonated his charges at approximately 7.30 a.m. (local time) in the northern Israeli city of Haifa. Police sappers then defused a second set of explosives that had not been detonated in the first blast. Islamic Jihad claimed responsibility for the attack. Later that same day, Palestinian terrorists shot and seriously wounded Tzvi Gottleib, age 35, near the village of Na'aleh. Gottleib was driving with a companion when he was ambushed at approximately 6 p.m. (local time). The following day, Monday, 10 December, Palestinian terrorists fired mortar shells into the Israeli community of Gush Katif, wounding a three-year-old boy and his four-year-old sister.

Yesterday evening, in the week's most deadly strike, at approximately 6 p.m. (local time), Palestinian terrorists attacked a public bus near the Israeli community

01-69585 (E) 131201

of Emmanuel. Several terrorists ambushed the bus with two roadside bombs and then opened fire, with automatic rifles and anti-tank grenades, on passengers as they fled the vehicle. In a now familiar tactic, the terrorists coordinated their attack so as to target ambulances and rescue and medical workers as they arrived at the scene. Ten Israelis were killed in the attack and approximately 30 others were wounded. The names of those killed are contained in the annex to the present letter. At least two of the terrorists escaped to territory controlled by the Palestinian Authority. The terrorist group Hamas claimed responsibility for the attack.

At almost precisely the same moment, Palestinian suicide bombers attacked two Israeli vehicles near the community of Neve Dekalim, wounding the four occupants. Also yesterday, Palestinians fired mortar shells at the community of Gush Katif, and a roadside bomb exploded near the community of Ganei Tal.

I submit the present letter to you in addition to my previous letters detailing Palestinian terrorist atrocities dated 4 December 2001 (A/56/678-S/2001/1150), 30 November 2001 (A/56/670-S/2001/1141), 28 November 2001 (A/56/668-S/2001/1133), 27 November 2001 (A/56/663-S/2001/1121), 12 November 2001 (A/56/617-S/2001/1071), 5 November 2001 (A/56/604-S/2001/1048), 24 October 2001 (A/56/506-S/2001/1011), 19 October 2001 (A/56/492-S/2001/990), 17 October 2001 (A/56/483-S/2001/975), 8 October 2001 (A/56/450-S/2001/948), 5 October 2001 (A/56/444-S/2001/943), 3 October 2001 (A/56/438-S/2001/938), 24 September 2001 (A/56/406-S/2001/907), 20 September 2001 (A/56/386-S/2001/892), 17 September 2001 (A/56/367-S/2001/875), 7 September 2001 (A/56/346-S/2001/858), 4 September 2001 (A/56/331-S/2001/840), 30 August 2001 (A/56/325-S/2001/834), 27 August 2001 (A/56/324-S/2001/825), 13 August 2001 (A/56/294-S/2001/787), 9 August 2001 (A/56/286-S/2001/780), 8 August 2001 (A/56/280-S/2001/775), 6 August 2001 (A/56/272-S/2001/768), 27 July 2001 (A/56/225-S/2001/743), 26 July 2001 (A/56/223-S/2001/737), 17 July 2001 (A/56/201-S/2001/706), 13 July 2001 (A/56/184-S/2001/696), 3 July 2001 (A/56/138-S/2001/662), 2 July 2001 (A/56/131-S/2001/656), 21 June 2001 (A/56/119-S/2001/619), 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

It is absolutely intolerable that after the terrorist devastation in Jerusalem last week, and the international community's insistence that the Palestinian leadership finally live up to its responsibilities, terrorism continues to be a daily scourge on Israeli streets. The Palestinian Authority remains unwilling to take the actions necessary to rid its territory of the vast terrorist infrastructure that has sprouted

there. These are actions that, in the midst of a global campaign to eradicate terrorism, must be demanded of every State and entity that aspires to international legitimacy.

What is even more outrageous is that the terrorists perpetrating the murder and maiming of Israeli civilians are well known to the Palestinian leadership. Many of them were released from Palestinian prisons at the outset of the violence in late September 2000. Others are members of the Palestinian police or security forces, or part of paramilitary forces loyal to Chairman Arafat. The names of terrorists involved in the recent spate of attacks have been repeatedly transmitted to the Palestinian security services over the past several months and were most recently included on a list of 33 wanted terrorists that United States envoy Anthony Zinni transferred to the Palestinian Authority. This list includes the very members of the Hamas cell responsible for the attack on the bus near Emmanuel and for a number of other recent attacks. To this day, these terrorists have still not been incarcerated and innocent Israeli civilians continue to pay the deadly price.

All the while, Chairman Arafat persists in his attempts to deceive the world by loudly proclaiming that he is actively fighting terrorism. The daily assaults on innocent Israelis, the relentless incitement in the official Palestinian media and the Palestinian terrorists who freely roam the streets tell a different story. Israeli citizens continue to be moving targets for Palestinian terrorists and their security has become subject to the equivocations, misrepresentations and indecisiveness of the Palestinian leadership. No country would or should permit such a state of affairs to continue.

In light of Chairman Arafat's utter lack of credibility, in both the international community and among the Israeli public, he can no longer be relied upon to fulfil his responsibility to fight the terrorism that emanates from the territory under his control. Israel will therefore continue to take the measures necessary to protect our civilians from the threat of Palestinian terror. As we do so, in accordance with our right and duty, we will continue to take every precaution necessary to ensure that our actions are targeted and precise in order to avoid causing harm to the civilian population.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

Annex to the letter dated 13 December 2001 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Names of those killed in the Palestinian terrorist attack near Emmanuel on 12 December 2001

1. Yair Amar, age 13, of Emmanuel
2. Esther Avraham, age 42, of Emmanuel
3. Border Police Senior St. Sgt. Yoel Binenfeld, age 35, of Moshav Tel Shahar
4. Menahem Moshe Gutman, age 40, of Emmanuel
5. Avraham Nahman Nitzani, age 18, of Beitar Illit
6. Yirmiyahu Salem, age 48, of Emmanuel
7. Israel Sternberg, age 44, of Emmanuel
8. David Tzarfati, age 38, of Ginot Shomron
9. Hanan Tzarfati, age 32, of Ginot Shomron
10. Ya'akov Tzarfati, age 64, of Kfar Saba

United Nations S/2001/1199

Security Council

Distr.: General
14 December 2001

Original: English

Egypt and Tunisia: draft resolution

The Security Council,

Recalling all its previous relevant resolutions, including resolution 1322 of 7 October 2000,

Emphasizing the need for a just, lasting and comprehensive peace in the Middle East based on its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace,

Emphasizing further in that regard the essential role of the Palestinian authority which remains the indispensable and legitimate party for peace and needs to be preserved fully,

Expressing its grave concern at the continuation of the tragic and violent events that have taken place since September 2000,

Expressing also its grave concern at the recent dangerous deterioration of the situation and its possible impact on the region,

Emphasizing the importance of the safety and well-being of all civilians in the whole Middle East region, and *condemning* in particular all acts of violence and terror resulting in the deaths and injuries among Palestinian and Israeli civilians,

Expressing its determination to contribute to ending the violence and to promoting dialogue between the Israeli and Palestinian sides,

Reiterating the need for the two sides to comply with their obligations under the existing agreement,

Reiterating the need for Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

1. *Demands* the immediate cessation of all acts of violence, provocation and destruction, as well as the return to the positions and arrangement which existed prior to September 2000;

2. *Condemns* all acts of terror, in particular those targeting civilians;

3. *Condemns* all acts of extrajudiciary executions, excessive use of force and wide destruction of properties;

01-70050 (E) 141201

4. *Calls* on the two sides to start the comprehensive and immediate implementation of the recommendations made in the Report of the Sharm El-Sheikh Fact-Finding Committee (Mitchell Report) in a speedy manner;

5. *Encourages* all concerned to establish a monitoring mechanism to help the parties implement the recommendations of the Report of the Sharm El-Sheikh Fact-Finding Committee (Mitchell Report) and to help create a better situation in the occupied Palestinian territories;

6. *Calls* for the resumption of negotiations between the two sides within the Middle East peace process on its agreed basis, taking into consideration developments in previous discussions between the two sides, and urges them to reach a final agreement on all issues, on the basis of their previous agreements, with the objective of implementing its resolutions 242 (1967) and 338 (1973);

7. *Decides* to remain seized of the matter.

United Nations S/2001/1200

Security Council

Distr.: General
13 December 2001
English
Original: French

Letter dated 13 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report which is submitted by the Dominican Republic pursuant to paragraph 6 of resolution 1373 (2001).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
President of the Counter-Terrorism Committee

01-69668 (E) 131201 131201

Annex

Letter dated 13 December 2001 from the Permanent Representative of the Dominican Republic to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Spanish]

Acting on instructions from my Government, I have the honour to submit herewith a report on the measures taken by the Dominican Government pursuant to the provisions of paragraph 6 of Security Council resolution 1373 (2001) concerning the fight against terrorism:

The Dominican Government has supported all the resolutions which the United Nations has adopted regarding terrorism and it is participating actively in the Inter-American Committee on Terrorism (CICTE) of the Organization of American States.

The Ministry of the Armed Forces, which has direct responsibility for matters relating to illicit arms trafficking and matters relating to security, has set up an anti-terrorist unit.

The body which oversees the banks, acting through its financial intelligence division, has taken the relevant safety measures on the financial side and is cooperating with investigative bodies which are following the trail of money which may be financing terrorism. In March 2001, resolution SB-006-2001 was issued; it contains instructions for implementing the "Know your client" procedure in financial institutions and exchange facilities, the aim being to minimize the risks to which all financial and money exchange systems in the world are exposed in the present circumstances.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Pedro Padilla **Tonos**
Ambassador
Permanent Representative